EXTENSIONS OF REMARKS

THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

HON. CHARLES T. CANADY
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2000

Mr. CANADY of Florida. Mr. Speaker, tomorrow the President of the United States will sign into law the Religious Land Use and Institutionalized Persons Act, a bill I was proud to sponsor with my colleagues the gentleman from New York, Mr. NADLER, and the gentleman from Texas, Mr. EDWARDS. This Act, which will protect the free exercise of religion from unnecessary government interference, is a product of the diligent efforts of more than 70 religious and civil rights groups from all points on the political spectrum. I commend these groups for their work in helping to bring about this important new law.

The Religious Land Use and Institutionalized Persons Act, S. 2869, is patterned after an earlier, more expansive bill, H.R. 1691, which passed the House of Representatives with an overwhelming vote after several committee hearings, two markups, and the filing of a Committee Report. S. 2869, on the other hand, passed the Senate and the House without committee action and by unanimous consent. Because it is not accompanied by any recorded legislative history, it is appropriate that I submit at this time a Section-by-Section Analysis of the S. 2869:

The Religious Land Use and Institutionalized Persons Act

Section 1. This section provides that the title of the Act is the Religious Land Use and Institutionalized Persons Act of 2000.

Section 2(a). The ''General Rule'' in §2(a)(1) tracks the substantive language of the Religious Freedom Restoration Act (''RFRA''), providing that land use regulation shall not be applied in ways that substantially burden religious exercise, unless imposing that burden on the person complaining serves a compelling interest by the least restrictive means. The provision is substantially the same as §§2(a) and 2(b) of H.R. 1691, except that its scope has been restricted to land use. H.R. 1691 is the broader Religious Liberty Protection Act, which passed the House and is the subject of H.R. Report 106–219.

The phrase ''in furtherance of a compelling governmental interest'' is taken directly from RFRA, which was enacted in 1993; the phrase was and is intended to codify the traditional compelling interest test. The Act does not use this phrase in the sense in which the Supreme Court interpreted the verb ''furthers'' in *City of Erie* v. *Pap's A.M.*, 120 S.Ct. 1382 (2000), a case that did not involve the compelling interest test. In that context, the Court held that even a marginal contribution to the achievement of a government interest ''furthers'' that interest. *Id.* at 1387. This statutory language was drafted long before Paps, and should not be read in light of Pap's.

Section 2(a)(2) confines the General Rule to cases within Congress's constitutional authority under the Commerce Clause, the Spending Clause, or Section 5 of the Fourteenth Amendment. Section 2(a)(2)(A) applies the General Rule to cases in which the burden is imposed in a program or activity that receives federal financial assistance. This provision tracks other civil rights legislation based on the Spending Clause, and corresponds to §2(a)(1) of H.R. 1691.

Section 2(a)(2)(B) applies the General Rule to cases in which the substantial burden affects commerce, or removal of the burden would affect commerce. This so-called jurisdictional element must be proved in each case under this subsection as an element of the cause of action. This subsection does not treat religious exercise itself as commerce, but it recognizes that the exercise of religion sometimes requires commercial transactions, as in the construction, purchase, or rental of buildings. This section corresponds to §2(a)(2) of H.R. 1691.

Section 2(a)(2)(C) applies the General Rule to cases in which the government has authority to make individualized assessments of the uses to which the property is put. Unlike the Commerce and Spending Clause sections, this section does not reach generally applicable laws. Laws that provide for individualized assessments of proposed uses are not generally applicable. This section corresponds to §3(b)(1)(A) of H.R. 1691.

Section 2(b). Section 2(b) codifies parts of the Supreme Court's constitutional tests as applied to land use regulation. These provisions directly address some of the more egregious forms of land use regulation, and provide more precise standards than the substantial burden and compelling interest tests. These provisions overlap, but some cases may fall under only one section, or the elements of one section may be easier to prove than the elements of other sections.

Section 2(b)(1) preempts land use regulation that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution. Section 2(b)(2) preempts land use regulation that discriminates against any religious assembly or institution on the basis of religion or religious denomination. These provisions substantially overlap, but section 2(b)(1) more squarely addresses the case in which the unequal treatment of different land uses does not fall into any apparent pattern. These sections correspond to §§3(b)(1)(B) and 3(b)(1)(C) of H.R. 1691.

Section 2(b)(3) provides that government may not unreasonably exclude religious assemblies from a jurisdiction, or unreasonably limit religious assemblies, institutions, or structures within the jurisdiction. What is reasonable must be determined in light of all the facts, including the actual availability of land and the economics of religious organizations. This section corresponds to §3(b)(1)(D) of H.R. 1691.

Section 2(b)(3)(A) is the only provision of §2 that is confined to ''assemblies'' and does not explicitly include institutions or structures. The subsection is limited in this way because there may conceivably be very small towns that exclude all institutions and all structures dedicated to public assembly (so there is no discrimination) and that can show a compelling interest in excluding all religious institutions or structures. Such a place could not use its land use regulations to wholly prohibit people from assembling for religious purposes in the spaces or structures that exist in the town.

Section 3. Section 3(a) applies the RFRA standard to protect the religious exercise of persons residing in or confined to institutions defined in the Civil Rights of Institutionalized Persons Act, such as prisons and mental hospitals. Section 3(b) confines the section to cases within Congress' constitutional authority under the Commerce Clause and the Spending Clause. The RFRA standard, the Commerce Clause standard, and the Spending Clause standard in §3 are identical to the parallel provisions in §2, and the same explanatory comments apply. These provisions are substantially the same as §§2(a) and 2(b) of H.R. 1691, except that their scope has been restricted to institutionalized persons.

Section 4. Section 4(a) tracks RFRA, creating a private cause of action for damages, injunction, and declaratory judgment, and a defense to liability. These claims and defenses lie against a government, but the Act does not abrogate the Eleventh Amendment immunity of states. In the case of violation by a state, the Act must be enforced by suits against state officials or employees. This section is identical to §4(a) of H.R. 1691.

Section 4(b) simplifies enforcement of the Free Exercise Clause as interpreted by the Supreme Court. *Employment Division* v. *Smith*, 494 U.S. 872 (1990), held that governmental burdens on religious exercise, without more, receive only rational-basis review. But this rule has important exceptions; the Court applies the compelling interest test to laws that are not neutral and generally applicable, to laws that provide for individualized assessment of regulated conduct, to regulation motivated by hostility to religion, to cases involving hybrid claims that implicate both the Free Exercise Clause and some other constitutional right, and to other exceptional cases. These exceptions present issues in which the facts are uncertain and difficult to prove, or in which essential information is controlled by the government. Section 4(b) is addressed principally to these issues about whether one of these exceptions applies. It provides generally that if a complaining party produces prima facie evidence of a free exercise violation, the government then bears the burden of persuasion on all issues except burden on religion. This section is substantially the same as §3(a) of H.R. 1691.

Section 4(c) requires a full and fair opportunity to litigate land use claims arising under section 2. This is based on existing law; no judgment is entitled to full faith and credit if there was not a full and fair opportunity to litigate. *Kremer* v. *Chemical Construction Corp.*, 456 U.S. 461, 480–81 (1982), interpreting 28 U.S.C. §1738 (1994). The rule has special application in this context, where a zoning board may refuse to entertain a federal claim because of limits on its jurisdiction, or may confine its inquiry to the individual parcel and exclude evidence of how places of secular assembly were treated. If a state court then confines itself to the record before the zoning board, there has been no opportunity to litigate essential elements of the federal claim, and the resulting judgment is not entitled to full faith and credit in a federal suit under section 2 of this Act. This section is based on §3(b)(2) of H.R. 1691.

Section 4(d) tracks RFRA and provides that a successful plaintiff may recover attorneys' fees. This section is substantially the same as §4(b)(1) of H.R. 1691.

Section 4(e) makes explicit that the bill does not ''amend or repeal the Prison Litigation Reform Act.'' The PLRA is therefore fully available to deal with frivolous prisoner claims. This section is based on §4(c) of H.R. 1691.

Section 4(f) expressly authorizes the United States to sue for injunctive or declaratory relief to enforce the Act. The United States has similar authority to enforce other civil rights acts. This section is based on §§2(c) and 4(d) of H.R. 1691.

Section 4(g). If a claimant proves an effect on commerce in a particular case, the courts assume or infer that all similar effects will, in the aggregate, substantially affect commerce. This section gives government an opportunity to rebut that inference. Government may show that even in the aggregate, there is no substantial effect on commerce. Such an opportunity to rebut the usual inference is not constitutionally required, but is provided to create an extra margin of constitutionality in potentially difficult cases. This section had no equivalent in H.R. 1691.

Section 5. This section states several rules of construction designed to clarify the meaning of all the other provisions. Section 5(a) provides that nothing in the Act authorizes government to burden religious belief, this tracks RFRA. Section 5(b) provides that nothing in the Act creates any basis for restricting or burdening religious exercise or for claims against a religious organization not acting under color of law. These two subsections serve the Act's central purpose of protecting religious liberty, and avoid any unintended consequence of reducing religious liberty. They are substantially identical to §§5(a) and 5(b) of H.R. 1691.

Sections 5(c) and 5(d) have been carefully negotiated to keep this Act neutral on all disputed questions about government financial assistance to religious organizations and religious activities. Section 5(c) states neutrality on whether such assistance can be provided at all; §5(d) states neutrality on the scope of existing authority to regulate private organizations that accept such aid. Litigation about such aid will be conducted under other theories and will not be affected by this bill. They are identical to §5(c) and 5(d) of H.R. 1691.

Section 5(e) emphasizes what would be true in any event—that this bill does not require governments to pursue any particular public policy or to abandon any policy, and that each government is free to choose its own means of eliminating substantial burdens on religious exercise. The bill preempts laws that unnecessarily burden the exercise of religion, but it does not require the states to enact or enforce a federal regulatory program. This section closely tracks §5(e) of H.R. 1691.

Section 5(f) provides that proof of an effect on commerce under §2(a)(2)(B) does not establish any inference or presumption that Congress meant to regulate religious exercise under any other law. Proof of an effect on commerce shows Congressional power to regulate, but says nothing about Congressional intent under other legislation. This section is substantially the same as §5(f) of H.R. 1691.

Section 5(g) provides that the Act should be broadly construed to protect religious exercise to the maximum extent permitted by its terms and the Constitution. Section 5(i) provides that each provision of the Act is severable from every other provision. These sections are substantially the same as §§5(g) and 5(h) of H.R. 1691.

Section 6. This section is taken from RFRA. It was carefully negotiated to ensure that the Act is neutral on all disputed issues under the Establishment Clause. It is more general than §§5(c) and 5(d), which were negotiated in light of this bill's reliance on the Spending Clause. This section is substantially identical to §6 of RFRA.

Section 7. Section 7 amends the Religious Freedom Restoration Act. Sections 7(a)(1) and (2) and 7(b) collectively conform RFRA to the Supreme Court's decision in *City of Boerne* v. *Flores*, 521 U.S. 507 (1997), eliminating all references to the states and leaving RFRA applicable only to the federal government. Section 7(a)(3) clarifies the definition of ''religious exercise,'' conforming the RFRA definition to the definition in this Act. These sections are substantially the same as §7 of H.R. 1691, but the incorporated definition of religious exercise has been changed in §8.

Section 8. This section defines important terms used in the Act. Section 8(l) defines ''claimant'' to mean a person raising either a claim or a defense under the Act. This section had no equivalent in H.R. 1691.

The definition of ''demonstrates'' in §8(2) is taken verbatim from RFRA. It includes both the burden of going forward and the burden of persuasion. This section is identical to §8(5) of H.R. 1691.

Section 8(3) defines ''Free Exercise Clause'' to mean the First Amendment's ban on laws prohibiting the free exercise of religion. This section is substantially the same as §8(2) of H.R. 1691.

The definition of ''government'' in §8(4)(A) includes the state and local entities previously covered by RFRA. ''Government'' does not include the United States and its agencies, because the United States remains subject to RFRA. But a further definition in §8(4)(B) does include the United States and its agencies for the purposes of §§4(b) and (5), because the burden-shifting provision in §4(a), and some of the rules of construction in §5, do not appear in RFRA. These definitions are substantially the same as those §8(6) of H.R. 1691.

Section 8(5) defines ''land use regulation'' to include only zoning and landmarking laws that limit the use or development of land or structures, and only if the claimant has a property interest in the affected land or a right to acquire such an interest. Fair housing laws are not land use regulation, and this bill does not apply to fair housing laws. This section is based on §8(3) of H.R. 1691.

Section 8(6) incorporates the relevant parts of the definition of program or activity from Title VI of the Civil Rights Act of 1964. This definition ensures that federal regulation is confined to the program or activity that receives federal aid, and does not extend to everything a government does. This section is substantially the same as §8(4) of H.R. 1691.

Section 8(7) clarifies the meaning of ''religious exercise.'' The section does not attempt a global definition; it relies on the meaning of religious exercise in existing case law, subject to clarification of two important issues that generated litigation under RFRA. First, religious exercise includes any exercise of religion, and need not be compulsory or central to the claimant's religious belief system. This is consistent with RFRA's legislative history, but much unnecessary litigation resulted from the failure to resolve this question in statutory text. This definition does not change the rule that insincere religious claims are not religious exercise at all, and thus are not protected. Nor does it change the rule that an individual's religious belief or practice need not be shared by other adherents of a larger faith to which the claimant also adheres.

Second, the use, building, or conversion of real property for religious purposes is religious exercise of the person or entity that intends to use the property for that purpose. It is only the use, building, or conversion for religious purposes that is protected, and not other uses or portions of the same property. Thus, if a commercial enterprise builds a chapel in one wing of the building, the chapel is protected if the owner is sincere about its religious purposes, but the commercial enterprise is not protected. Similarly if religious services are conducted once a week in a building otherwise devoted to secular commerce, the religious services may be protected but the secular commerce is not. Both parts of this definition are based on §8(l) of H.R. 1691.

THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2000

Mr. HYDE. Mr. Speaker, tomorrow the President of the United States will sign into law the Religious Land Use and Institutionalized Persons Act, S. 2869. I would like to submit for the RECORD a document prepared by the Christian Legal Society describing zoning conflicts between churches and cities which have come to light since subcommittee hearings on the subject:

RECENT LAND-USE CASES

''In the last 10 years, zoning conflicts between churches and cities have become a leading church-state issue. Disputes have arisen over church soup kitchens or homeless shelters in suburbs, expansion of church facilities, parking squeezes on Sunday, breaches of noise ordinances or disagreements on what kind of meetings the zoning permits. Growing churches that seek new land to relocate often cannot win zoning approvals in the face of public protest over traffic.'' Joyce Howard Price, Portland church ordered to limit attendance, Washington Times, February 18, 2000.

MONTGOMERY COUNTY, MD—8/16/00

A couple in Montgomery County, Maryland, challenged in federal court a zoning ordinance that allowed a Roman Catholic girls' school to build on its property without obtaining a special permit. In August 1999, a U.S. District Judge ruled that the ordinance violated the Establishment Clause, but on appeal a three-Judge panel of the 4th U.S. Circuit Court of Appeals reversed the district court by a 2-1 vote, concluding in August 2000, that '' [t]he authorized, and sometimes mandatory, accommodation of religion [by the government] is a necessary aspect of the Establishment Clause Jurisprudence because, without it, the government would find itself effectively and unconstitutionally promoting the absence of religion over its practice.'' The dissenting Judge differentiated between regulations that influence or alter programming and regulations that affect physical facilities.

Sources: David Hudson, Land-Use Ordinance Doesn't Advance Religion, Federal Appeals Panel Rules, The Freedom Forum Online, August 16, 2000.

PALOS HEIGHTS, IL—8/10/2000

On June 30, 2000, Chicago Public Radio's Jason DeRosa reported that the Al Salam Mosque Foundation encountered opposition from the city council of Palos Heights, Illinois, when Muslims tried to buy a building from a Reformed Church and turn it into a Muslim mosque. Although the city council attempted to block the $2.1 million sale by arguing that the city needed the building for

a recreation center, the community appeared to be driven more by anti-Arab prejudice than by a desire for new recreational facilities. According to the New York Times on August 10, ''[a]t public meetings, some residents spewed derogatory comments, telling the Muslims to go back to their own countries, and implying that their money could have come from a nefarious source,'' and in a newspaper inter-view an Alderman compared the Muslim group to Adolf Hitler. The City Council offered to pay Al Salarn $200,000 to leave Palos Heights for good. Al Salam agreed, reasoning that the buyout would cover legal expenses and a move to a different neighborhood, but Mayor Dean Koldenhoven vetoed the transaction. Al Salarn sued for $6.2 million, claiming, according to the Times, that ''the city's handling of the situation amounted to religious discrimination, conspiracy and unwarranted meddling in a private real estate transaction.'' An official with the Justice Department has stepped in to try to resolve the tension between Muslims and residents in Palos Heights through mediation and community meetings.

Sources: Pam Belluck, Intolerance and an Attempt to Make Amends Unsettle a Chicago Suburb's Muslims,'' New York Times, August 10, 2000. NPR Online, http://search. npr. org/cf/cmn/cmnpd01fm. cfm?PrgDate= 06/ 30/2000?PrgID=3, June 30, 2000.

BELMONT, MA—7/7/2000

In Belmont, Massachusetts, a new Latter-day Saints (Mormon) Temple has caused a great deal of controversy. The white, 69,000 sq. ft. building sits atop a hill, overlooking an upscale neighborhood of single-family homes. Nearby residents want the Temple demolished. In May 1999, a three-judge panel of the federal appeals court in Boston rejected the residents'challenge to the LDS Temple. The lawsuit challenged as unconstitutional state and town laws that prevent town officials from excluding religious uses of property from any zoning area. Boyajian v. Gatzunis, 212 F.3d I (1st Cir. 2000). The residents claimed that the laws ''violate the Establishment Clause of the First Amendment by favoring religious uses of property without a secular purpose.'' Id. at 3. The circuit held that the law prevents towns from ''us[ing] zoning power to exercise their preferences as to what kind of religious denominations they will welcome.'' Martin v. Board of Appeals of the Town of Belmont, No. 97–2596, slip op. 27 (Super. Ct. Mass. Feb. 22, 2000). The court allowed construction to proceed and the Temple to open for worship services.

Other actions over the Temple construction arc still pending. Middlesex Superior Court Judge Elizabeth Fahey has ruled that the proposed 139 ft. steeple for the Temple is not essential: ''While a spire might have inspirational value and may embody the Mormon value of ascendancy towards heaven, that is not a matter of religious doctrine and is not in any way related to the religious use of the temple.'' Id. at 13. The LDS Church is currently appealing.

Sources: Rachel Malamud, Mormon Temple Leads to Court Fight, The Associated Press, December 31, 2000. Public Affairs Office, Church Of Jesus Christ of Latter-day Saints. Boyajian v. Gatzunis, 212 F.3d 1 (1st Cir. 2000). Second Amended Complaint, Boyajian v. Gatzunis (212 F.3d 1) (1st Cir. 2000) (No. 98CVI 1763DPW). Boyajian v. Gatzunis, No. 98–11763–DPW (D. Mass. May 24, 1999). Martin v. Board of Appeals of the Town of Belmont, No. 97–2596 (Super. Ct. Mass. Feb. 22, 2000). Complaint, Martin v. Board of Appeals of the Town of Belmont (Super. Ct. Mass. May 19, 1997) (No. 97–2596).

VACAVILLE, CA—6/25/2000

A Seventh-day Adventist church in Vacaville, CA, was denied a permit to locate studio and administrative offices for a radio ministry in a mobile home on church property. The actual broadcast would come from an existing tower in the nearby hills, not from the mobile home. The permit has been denied on the grounds that the radio ministry is not an accessory use to an Adventist Church. In other words, the county was given discretion to determine what constitutes a legitimate ministry of a church. The California Court of Appeals distinguished between manned and unmanned radio towers and held in favor of Solano County.

Sources: Telephone Interview with Alan J. Reinach, Esq., Director, Department of Public Affairs and Religious Liberty, Pacific Union Conference of Seventh-day Adventists (July 7, 2000). Pacific Union Conference of Seventh-day Adventists, Department of Public Affairs and Religious Liberty, Church State Newsflash: California Court Denies Christian Radio Station the Right to Locate at Vacaville Seventh-day Adventist Church, The Religious Liberty Newsflash and Legislative Alerts, June 26, 2000.

EL CAJON, CA—5/14/2000

El Cajon Seventh-day Adventist Church has for years ministered to the homeless population in downtown San Diego. Such social welfare is an integral part of Seventh-day Adventist faith. When the church tried to relocate to a suburban area, it faced opposition from suburban neighbors, who feared that the church Would bring indigent people into their neighborhood. The church's zoning permit was amended with the following stipulation: the new facility cannot be used to ''feed, clothe, or house individuals.'' The vague language of this amendment (''individuals'' rather than ''homeless individuals'') raises questions about the status of more innocuous church activities that involve ''feeding,'' such as church potlucks. The Pacific Union of Seventh-day Adventists is interested in challenging the language of the amendment.

Sources: Telephone Interview with Alan J. Reinach, Esq., Director, Department of Public Affairs and Religious Liberty, Pacific Union Conference of Seventh-day Adventists (July 7, 2000). Pacific Union Conference of Seventh-day Adventists, Department of Public Affairs and Religious Liberty, Church State News flash: A Busy Week with Land Use Problems, The Religious Liberty Newsflash and Legislative Alerts, May 14, 2000.

SAN FRANCISCO, CA—5/14/2000

When the City of San Francisco recently proposed new parking regulations, the Tabernacle Seventh-day Adventist Church raised a cry for help. The parking regulations, which restricted visitors to one-hour parking, 9 a.m. to 6 p.m., Monday through Saturday, would have effectively closed down the Church by making it impossible for congregation members to park their cars during Saturday worship services. The regulations raised constitutional questions in the eyes of several faith groups, who pointed out that the regulations accommodate the majority (Sunday worshipers) but inhibit the religious exercise of minority groups who worship on other days. The Church received a favorable response from a hearing officer at City Hall, who granted their request to amend the parking policy to Monday through Friday.

Sources: Telephone Interview with Alan J. Reinach, Esq., Director, Department of Public Affairs and Religious Liberty, Pacific Union Conference of Seventh-day Adventists (July 7, 2000). Pacific Union Conference of Seventh-day Adventists, Department of Public Affairs and Religious Liberty, Church State News/Zash: A Busy Week with Land Use Problems, The Religious Liberty Newsflash and Legislative Alerts, May 14, 2000.

SAN MARCOS, CA—5/10/2000

At a lunch sponsored by the San Marcos Seventh-day Adventist Church, approximately 30 non-Adventist pastors from the local community were informed that the City is trying to obtain hefty fees from the Adventist church as a condition of granting the church a conditional use permit to build on a 3.4-acre property. The fees are based on what the city would obtain in tax revenue if the property were used to build single-family homes instead of a church (one acre of church property=approx. 4 Equivalent Dwelling Units). The fees imposed on the church amount to $133,000 up front and $5,000 per year, even though the congregation consists of only 75 people. This Situation does not bode well for the 30 non-Adventist pastors, some of whom wi11 be applying for building project permits in the future.

The only mention of churches in the Community Development Ordinances is located in a traffic-impact table. Nowhere in the city ordinances does it say that a church must be assessed in the way the city has chosen to assess this particular church. The Pacific Union of SDA believes that the city is not legally justified in its assessment, and is in the process of appealing to the city manager.

Sources: Telephone Interview with Alan J. Reinach, Esq., Director, Department of Public Affairs and Religious Liberty, Pacific Union Conference of Seventh-day Adventists (July 7, 2000). Pacific Union Conference of Seventh-day Adventists, Department of Public Affairs and Religious Liberty, Church State Newsflash: A Busy Week with Land Use Problems, The Religious Liberty Newsflash and Legislative Alerts, May 14, 2000.

GRAND HAVEN, MI—3/16/2000

The Haven Shores Community Church, a member of the Reformed Church in America, claims as its mission to ''worship and glorify God by reaching out and serving the community.'' The church aspires toward that goal by offering contemporary forms of worship and educational and counseling programs for youth and adults. Believing that ''a nontraditional storefront ministry is necessary to provide the exposure and character it requires to minister to people,'' the church rented a storefront and sought a building permit. Things did not, however, go as planned. The city and zoning board of Grand Haven denied the church a building permit on the grounds that the storefront is located in a business district zoned for private clubs and schools, fraternal organizations, concert halls, and funeral homes. The church hired the Becket Fund for Religious Liberty to sue in March of 2000, on its behalf, alleging religious discrimination. The Becket Fund's complaint accused the city of ''punish[ing]'' the church for asserting a nontraditional model of worship and outreach, and of violating state and federal constitutions by ''discriminating against religious use'' while ''permitting equivalent, non-religious use.''

Sources: Jeremy Learning, Church says Michigan zoning policy subverts its religious liberties, First Amendment Center, March 16, 2000.

APEX, NC—3/15/2000

The Wall Street Journal reports that in many towns across the rural south, downtown shopkeepers would prefer that landlords rent to any type of business rather than a storefront church. Shopkeepers consider storefront churches an economic liability and an obstacle to the town's revitalization plans. Since churches do not generate

weekday traffic, do not add revenues, and do not pay taxes, some shopkeepers support changes in zoning laws to prevent landlords from renting to churches in downtown areas. City officials in Apex, North Carolina, are not seeking to close the town's two existing storefront churches, but they do want to ban any new churches that might hinder their economic revitalization plans. The lawyer retained by Apex churches notes that city officials are overlooking the fact that churches can turn indigents into people who contribute economically to society.

Sources: Lucinda Harper, Upscale Stores Craft Bans Against Storfront Churches, The Wall Street Journal, March 15, 2000.

JACKSONVILLE, OR—3/7/2000

The City of Jacksonville granted First Presbyterian Church a permit to build a sanctuary and an education building on a ten acre site only if the church met certain conditions. The church would be required to close its buildings on Saturdays and during certain weekday hours, would be forbidden to hold weddings or funerals on Saturdays, and could not serve alcohol on the premises. The City Council met to revise this proposal after being warned that the wedding and funeral ban could potentially be unconstitutional. The result of the meeting was not a revision but a denial of the permit altogether. The local Community reacted strongly to the denial. While First Presbyterian pastor and elders considered an appeal before the Land Use Board of Appeals, other clergy and state politicians called for legislation to protect religious organizations from intrusion by zoning boards.

Sources: Oregon church loses battle for building permit, The Associated Press, March 7, 2000.

LOS ANGELES, CA—2/25/2000

Orthodox Jews must walk to services on the Sabbath because their religion does not permit them to use cars. Etz Chaim is a congregation of elderly and disabled Orthodox Jews in the Hancock Park area of Los Angeles who have trouble walking distances as short as half a mile. The members of Etz Chaim sought a conditional use permit to establish a synagogue in Hancock Park, an area zoned for single-family dwellings, because their disabilities prevent them from walking to any of the synagogues located in a nearby commercial zone. The Hancock Park Homeowners Association complained that this arrangement would hurt property values, and the permit was denied. Based on the testimony of a neighbor who argued that anyone ''should'' be able to walk to synagogues in the commercial zone, the state court of appeal found that alternative locations for prayer are available to Etz Chaim. In February, The Washington Times reported that, ''Congregation Etz Chaim—a home-based synagogue that served many elderly and disabled members—was closed under a zoning law that leading city officials refused to apply equally to close a gay sex club in a residential area.''

Sources: Electronic Letter from Susan S. Azad, Attorney for Plaintiffs Etz Chaim, et. al., to Julie E. Khoury, Paralegal, Christian Legal Society (Aug. 15, 2000) (on file with Christian Legal Society). Michelle Malkin, No prayer on zoning regulation, The Washington Times, February 25, 2000. Order and Memorandum Opinion, Congregation Etz Chaim v. City of Los Angeles, No. CV 97–5042 HLH(Ex) (C.D. Cal. June 1, 1998).

ST. PETERSBURG, FL—2/2000

The Refuge is an inner-city church whose ministry includes worship services, Bible studies, Bible-based counseling, music concerts, a feeding program for the poor and homeless, a crisis hotline, and Christian-perspective support groups such as Alcoholics Anonymous and a group for those infected with HIV. The City's zoning ordinance permits ''churches'' in the zone in which the Refuge is located, and the Refuge's certificate of occupancy indicates that it is a church.

When neighborhood residents complained to zoning officials about the character of people using the Refuge's services, City zoning officials decided to label the Refuge a ''social service agency,'' a type of establishment not permitted in the Refuge's zoning district. In September of 1997, the City ordered the Refuge to relocate. The Zoning Board of Appeals upheld the zoning official's order. St. Petersburg attorney Mark Kamleiter asked the Florida Circuit Court to review that order and contacted the Christian Legal Society's Center for Law and Religious Freedom. Working through the Western Center for Law and Religious Freedom, Kamleiter and CLS Chief Litigation Counsel Gregory Baylor filed an amended petition for certiorari in the Florida Court of Appeals on June 1, 1998. Attorneys for the Refuge argued that, in assessing the Refuge's activities, the City asked the wrong question. They emphasized that whether or not those activities fall under the definition of ''social service agency,'' what matters is that the activities can be considered either primary or accessory uses of a church. The court granted the petition for certiorari on December 21, 1999, noting that ''The Refuge is not doing anything not done, in one form or another, by churches both in this and other areas, in the past and present.'' The Refuge Pinellas, Inc. v. The City of St. Petersburg, No. 97–8543 CI–88B, slip op. at 3 (Fla. Cir. Ct. Dec. 21, 1999). In February of 2000, the district court of appeals denied certiorari to the City.

Sources: Michelle Malkin, No prayer on zoning regulation, The Washington Times, February 25, 2000. The Refuge Pinellas, Inc. v. The City of St. Petersburg, 755 So.2d 119 (Table) (Fla. Dist. Ct. App. Feb. 18, 2000). The Refuge Pinellas, Inc. v. The City of St. Petersburg, No. 97–8543 CI–88B (Fla. Cir. Ct. Dec. 21, 1999).

GROVES CITY, TX—2/9/2000

In trying to help the poor in Groves City, Texas, Pastor Richard Hebert has encountered repeated opposition from those who dislike the homeless his efforts would bring into their neighborhoods. The pastor was first denied a permit to open a boarding house for the homeless and drug-addicted in the city's business district, was next denied a permit to open a church with counseling and boarding, and was finally denied a permit to open a regular church. In February of 2000, Pastor Hebert filed suit claiming that the city's required operating permit for churches is unconstitutional. He wants the city to strike down the permit ordinance and to pay his attorney fees.

Sources: Texas judge halts move to shut down church, The Associated Press, February 9, 2000.

EVANSTON, IL—2/9/2000

An Evanston zoning code permits the Vineyard Christian Fellowship's building to be used for ''cultural'' events such as concerts and theatrical performances but prohibits religious gatherings in the building. The church's pastor cites the inconsistency of a policy that allows the church to use its building for a Christmas pageant but not for a Christmas Eve service. Vineyard, which has been seeking a permanent location for its Sunday services since 1988, filed suit, accusing the city of discriminating between religious and non-religious assemblies. The complaint claims that the city violated the church's constitutional rights to freedom of speech, freedom of religion, and freedom of assembly, as well as equal protection under the law, state zoning laws, and the Illinois Religious Freedom Restoration Act (RFRA). In answering the complaint, the city challenged the constitutionality of the Illinois RFRA. The challenge triggered intervention by the Illinois Attorney General's office, who supports RFRA. The city removed the case to federal court on February 9, 2000. Attorneys do not foresee settlement, and a trial date has been set for mid-January of 2001.

Sources: Telephone Interview with Mark Robert Sargis of Mauck, Bellande & Cheely (August 30, 2000). Vineyard Christian Fellowship of Evanston v. City of Evanston (N.D. Ill. Feb. 9, 2000) (No. 00C0798). Mark Robert Sargis, Mauck, Bellande & Cheely, Vineyard Church Re-Files Discrimination Suit Against City of Evanston, Press Release, January 12, 2000.

DENVER, CO—12/22/1999

According to The Associated Press, in August of 1999, a ''Denver couple filed a federal lawsuit to challenge a city order barring them from holding more than one prayer meeting at their home each month.'' The couple's attorney argued that the cease-and-desist order unconstitutionally distinguished between religious and secular meetings. Despite assertions by a zoning administrator that the order simply limited parking problems and protected the neighborhood from disruption, the couple's attorney pointed out that the order made no mention of parking or noise violations. Attorneys also emphasized that the city does not regulate parking on residential streets during home meetings. In December 1999, the city conceded that the order violated the Couple's First Amendment rights. The couple and the city struck an agreement in which both the lawsuit and the order were withdrawn, the city promised to change zoning policies that single out religious meetings in private homes, and the city paid the couple $30,00 in attorney fees.

Sources: Family Research Council, Denver Withdraws Cease & Desist Order on Home Bible Study, Legal Facts, Vol. 2, No. 9 (Jan. 7, 2000). Denver Couple Barred From Holding Weekly Prayer Meetings Sues City, The Associated Press, August 16, 1999.

ONALASKA, WI—12/17/1999

The mayor of Onalaska filed complaints with the City Planner against a Christian pastor and his wife who were hosting a weekly home Bible study. The mayor expressed an inability to understand why the pastor would invite five college students to his home rather than holding the meetings at church. The City Planner notified the pastor that he must obtain a conditional use permit pursuant to a city ordinance governing ''clubs, fraternities, lodges and meeting places of a noncommercial nature.'' When the pastor tried to distinguish his private residence from the types of enterprises listed in the ordinance, the City Planner told him that ''the regularity of the meeting . . . requires the permit.'' After receiving a letter from a lawyer warning of a potential lawsuit to protect the pastor's constitutional rights, the City Planner decided not to require the permit and told reporters that the city would consider revising the ordinance.

Sources: Jeremy Learning, City Withdraws Demand that Couple Obtain Permit to Hold Bible Meetings, The First Amendment Center, December 17, 1999.

FAIRFIELD, OH—9/7/99

Clara M. Pepper was convicted of violating the Fairfield Codified Ordinances (FCO) by operating a church in a residential district and by erecting a sign on her property. Pepper argued that Fairfield's attempt to regulate her use of the property was an unconstitutional infringement upon the free exercise

of religion. The trial court found that although Pepper's rights to practice and exercise her religion and to use and enjoy her property for religious purposes are protected by the Ohio and U.S. Constitutions, these rights are not absolute and may be reasonably regulated. The Court found that the FCO are not an unconstitutional exercise of police power. The appellate court similarly upheld the ''minimal requirements'' imposed on churches by the FCO.

Sources: City of Fairfield v. Pepper, 1999 WL 699867 (Ohio App. Sept. 9, 1999).

YOUNGSTOWN, OHIO—6/30/99

Beatitude House is a nonprofit corporation operated by Ursuline nuns who run job training and transitional housing programs for homeless and abused women. When Beatitude House tried to turn an old convent into transitional housing for four homeless women, the Youngstown zoning board denied the permit. The nuns appealed on the grounds that the proposed use of the former convent is an accessory use, but the appellate court held in favor of the zoning board and stated that the Zoning Ordinance does not unconstitutionally suppress the appellees' free exercise of religion.

Sources: Henley v. City of Youngstown Board of Zoning Appeals, 1999 WL 476087 (No. 97 CA 249) (Ohio App. June 30, 1999).

This list of Recent Land-Use Cases was compiled for the Congressional Record by the Center for Law and Religious Freedom, A Division of Christian Legal Society, 4208 Evergreen Lane, Suite 222, Annandale, VA 22003, Julie E. Khoury, Paralegal. The compilation was last modified on September 1, 2000. Thank you to Susan S. Azad, Crystal M. Roberts, Mark R. Sargis, and Alan J. Reinach for their assistance.

SADDAM HUSSEIN AS A WAR CRIMINAL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2000

Mr. PORTER. Mr. Speaker, on Tuesday, September 19, 2000, the Congressional Human Rights Caucus (CHRC) held a briefing on building the case against Saddam Hussein as a war criminal. This week our Administration urged the United Nations to establish a war crimes tribunal to try Saddam Hussein and eleven other Iraqi officials in the deaths of up to 250,000 civilians in Iraq, Iran, Kuwait and elsewhere. David Scheffer, the Ambassador-at-Large for War Crimes Issues, testified before the CHRC on September 19th. His remarks present the evidence which has been gathered by the U.S. against Hussein. This evidence includes crimes committed during the Iran-Iraq War, the massive use of chemical weapons in Halabja against his own citizens in 1988, the invasion and occupation of Kuwait in 1990 and 1991 and the killing of his political opponents which continues today.

Ambassador Scheffer's remarks are a thorough account of the horrendous crimes Saddam Hussein has committed and continues to commit, and what the U.S. is doing to promote justice in Iraq. I commend to Members' attention Ambassador Scheffer's remarks and hope that the U.S. Congress will strongly support the Administration's effort to bring Hussein to justice.

THE CASE FOR JUSTICE IN IRAQ

(By David J. Scheffer, Ambassador-at-Large for War Crimes Issues)

Thank you. It is good to be among so many groups and individuals who are dedicated to the pursuit of justice, democracy and the rule of law for the Iraqi people. I am here to tell you all that the United States looks forward to the day when justice, democracy and the rule of law will prevail in Iraq.

I want to do three things this morning, by way of starting us all on a series of interesting presentations on different aspects of the case for justice in Iraq. First, I want to call to everyone's attention the reason we are here—the need to address the continuing criminality of Saddam Hussein's regime. Second, it has been almost a year since I saw many of you here in Washington last October, when I spoke at the Carnegie Endowment for International Peace on the subject of Iraqi war crimes, or at the Iraqi National Assembly in New York shortly thereafter. I want to update you on what the U.S. Government has been doing to promote accountability for Saddam Hussein's 20 years of criminal conduct. Third, I think you will find of interest some of the reaction, in Baghdad and elsewhere, to what we—and many of you—have been doing to promote the cause of justice in Iraq.

Let me be clear at the outset. Our primary objective is to see Saddam Hussein and the leadership of the Iraqi regime indicted and prosecuted by an international criminal tribunal. If an international criminal tribunal or even a commission of experts proves too difficult to achieve politically, there still may be opportunities in the national courts of certain jurisdictions to investigate and indict the leadership of the Iraqi regime. The United States is committed to pursuing justice and accountability in the former Yugoslavia, Rwanda, Cambodia, Sierra Leone and elsewhere around the world. We are also committed to the pursuit of justice and accountability for the victims of Saddam Hussein's regime in Iraq.

THE CRIMINAL RECORD OF THE REGIME OF SADDAM HUSSEIN

Let me turn to my first main point, the need to address the criminal record of Saddam Hussein and his top associates for their crimes against the peoples of Iraq, Iran, Kuwait, and other countries. To the United States Government, it is beyond any possible doubt that Saddam Hussein and the top leadership around him have brutally and systematically committed war crimes and crimes against humanity for years, are committing them now, and will continue committing them until the international community finally says enough—or until the forces of change in Iraq prevail against his regime as, ultimately, they must.

This may seem self-evident to all of you here today. Interestingly, in my discussions of this issue I have found some people who will agree that Saddam Hussein is a criminal, but who are genuinely unaware of the magnitude of his criminal conduct. Those who want to gloss over Saddam's criminal record often want to gloss over the need for him to be brought to justice. This goes to the very heart of why his conduct deserves an international response, so I find it useful to review what we now know of the criminal record of Saddam Hussein and his top associates.

1. The Iran-Iraq War. During the Iran-Iraq War, Saddam Hussein and his forces used chemical weapons against Iran. According to official Iranian sources, which we consider credible, approximately 5,000 Iranians were killed by chemical weapons between 1983 and 1988. The use of chemical weapons has been a war crime since the 1925 Geneva Protocol on poisonous gas, to which Iraq is a party. Also during the Iran-Iraq War, there are credible reports that Iraqi forces killed several thousand Iranian prisoners of war, which is also a war crime as well as a grave breach of the Geneva Conventions of 1949, to which Iraq is a party. Other war crimes and crimes against humanity committed by Saddam Hussein and the top leaders around him against Iran and the Iranian people also deserve international investigation.

2. Halabja. In mid-March of 1988, Saddam Hussein and his cousin Ali Hassan al-Majid—the infamous ''Chemical Ali''—ordered the dropping of chemical weapons on the town of Halabja in northeastern Iraq. This killed an estimated 5,000 civilians, and is a war crime and a crime against humanity. Photographic and videotape evidence of this attack and its aftermath exists. Some of this is available to scholars and—God willing—to prosecutors through the efforts of the International Monitor Institute in Los Angeles, California. More visual evidence is available from Iranian cameramen, who collected their images of the victims of this brutal attack—most of whom were women and children—in a book published in Tehran. The best evidence of all is from the survivors in Halabja itself.

I am proud to say that the United States has been working with groups such as the Washington Kurdish Institute and scientists like Dr. Christine Gosden to document the suffering of the people of Halabja and—just as importantly—to find ways to help the people of Halabja treat the victims and bring hope to the living. Working with local authorities, we are looking for ways to help investigators, doctors and scientists document this crime and plan the help that the survivors need and deserve. We know they will not get that help from Saddam Hussein. As one example, to help war crimes investigators, the U.S. Government is today announcing the declassification of overhead imagery products of Halabja taken in March 1988, the best image we have that was taken a little more than a week after the attack. We hope this will serve as a photo-map to enable witnesses to describe to investigators, doctors and scientists what they were during those terrible days of the Iraqi chemical attack and its aftermath.

3. The Anfal campaigns. Beginning in 1987 and accelerating in early 1988, Saddam Hussein ordered the ''Anfal'' campaign against the Iraqi Kurdish people. By any measure, this constituted a crime against humanity and a war crime. Chemical Ali has admitted to witnesses that he carried out this campaign ''under orders.'' In 1995, Human Rights Watch published a compilation of their reports in the book ''Iraq's Crime of Genocide,'' which is now out of print. Human Rights Watch needs to reprint this book. Human Rights Watch estimated that between 50,000 and 100,000 Kurds were killed. Based on their review of captured Iraqi documents, interviews with hundreds of eyewitnesses, and on-site forensic investigations, they concluded that the Anfal campaign was genocide. I challenge anyone to read the evidence cited in Iraqs Crime of Genocide and come to any different conclusion.

4. The invasion and occupation of Kuwait. On August 2, 1990, Saddam Hussein ordered his forces to invade and occupy Kuwait. It took military force by the international community and actions by the Kuwaiti themselves to liberate Kuwait in February 1991. During the occupation, Saddam Hussein's forces killed more than a thousand Kuwaiti nationals, as well as many others from other nations. Evidence of many of these killings is on file with authorities in Kuwait and at the United Nations Compensation Commission in Geneva. Saddam Hussein's forces committed many other crimes in Kuwait, including environmental crimes such

as the destruction of oil wells in Kuwait's oil fields, massive looting of Kuwaiti property—Saddam's son Uday appears to have treated Kuwait as his personal used car lot. As well, Saddam Hussein's government held hostages from many nations in an effort to coerce their governments into pro-Iraqi policies. During the war, Iraqi authorities also committed war crimes against Coalition forces. War crimes against American servicemembers were detailed in a report to Congress and in an article by Lee Haworth and Jim Hergen in Society magazine back in January 1994.

5. The suppression of the 1991 uprising. In March and April of 1991, Saddam Hussein's forces killed somewhere between 30,000 and 60,000 Iraqis, most of them civilians. The story of the uprising of the Iraqi people is one of courage and hope for the people of Iraq and has been told by men such as former Iraqi General NaJib al-Salihi in his book Al-Zilzal, ''The Earthquake.'' The story of the uprising that started in the south, a part of the country traditionally neglected and deprived by Saddam Hussein's government in Baghdad, deserves to be better known outside of Iraq. Most of those killed were civilians, not resistance fighters—a distinction that Saddam Hussein did not respect in 1991 any more than he has before or since. This qualifies as a crime against humanity and possibly also a war crime.

6. The draining of the southern marshes. Beginning in the early 1990's, and continuing to this day, Saddam Hussein's government has drained the southern marshes of Iraq, depriving thousands of Iraqis of their livelihood and their ability to live on land that their ancestors have lived on for thousands of years. This is clearly not a land reclamation project, or a border security project as some of Saddam's defenders have claimed. Instead, as groups such as the Amar Foundation have begun to document, Saddam's efforts have served to render the land less fertile, and less able to sustain the livelihood or security of the Iraqi people. This qualifies as a crime against humanity and may possibly constitute genocide.

7. Ethnic cleansing of ethnic ''Persians'' from Iraq to Iran, and an ongoing campaign of ethnic cleansing of the non-Arabs of Kirkuk and other northern districts. This ongoing campaign of ethnic cleansing was documented by the former U.N. Special Human Rights Rapporteur for Iraq, Max van der Stoel in his reports in 1999.

8. Continuing unlawful killings of political opponents. Many groups have documented Saddam Hussein's ongoing campaign against political opponents, including killings, tortures, and—lately—rape. As some of you may know, the regime has been using sexual assaults of women in an effort to intimidate leaders of the Iraqi opposition. We salute the courage of opposition leaders such as General Najib al-Salihi for speaking out about this crime. The regime is also carrying out a systematic campaign of murder and intimidation of clergy, especially Shi'a clergy. The number of those killed unlawfully is difficult to estimate but must be well in excess of 10,000 since Saddam Hussein officially seized power in 1979. The number of victims of torture no doubt well exceeds the number of those killed.

Who is responsible for these crimes? Like Slobodan Milosevic, Saddam Hussein did not commit these crimes an his own. He has built up one of the world's most ruthless police states using a very small number of associates who share with him the responsibility for these criminal actions. The nongovernmental group INDICT some time ago developed a list of 12 of those most deserving of international indictment. To refresh everyone's recollection, they are:

1. Saddam Hussein, president of Iraq and chairman of the Revolutionary Command Council (RCC). I will have more to say about the, RCC shortly.

2. Ali Hassan al-Majid, ''Chemical Ali,'' reviled for his enthusiasm in using poison gas against Iraqi Kurds and in the Iran-Iraq war. He also turned up in Kuwait during the occupation and, more recently, as governor in the south of Iraq during recent periods of repression against the people there. When someone shows up at crime scene after crime scene, the pattern of evidence becomes clear.

3. Saddam's elder son Uday, a commander of a ruthless paramilitary organization that maintains Saddam's hold on power.

4. Saddam's younger son Qusay Saddam Hussein, the Head of the Special Security Organization, reputed by many to be Saddam's likely successor.

5. Muhammad Hamza al-Zubaydi, Deputy Prime Minister of Iraq.

6. Taha Yasin Ramadan, Vice President of Iraq.

7. Barzan al-Tikriti former Head of Iraqi Intelligence.

8. Watban al-Tikriti, former Minister of the Interior.

9. Sabawi al-Tikriti, former Head of Intelligence and the General Security Organization.

10. Izzat Ibrahim al-Douri vice chairman of the Revolutionary Command Council and former Head of the Revolutionary Court.

11. Tariq Aziz, Deputy Prime Minister of Iraq.

12. Aziz Salih Noman, Governor of Kuwait during the Iraqi occupation.

II. BUILDING THE CASE: WHAT THE UNITED STATES HAS BEEN DOING

The charges are clear. The targets of prosecution are identified. Let me turn to a brief description of what the United States has been doing in the past year to gather the evidence of Iraqi crimes against humanity, war crimes and genocide.

First, we have undertaken an analysis of the de jure case against Saddam Hussein. This is important because a more straightforward de jure case can greatly simplify the work of prosecutors. As some of you know, the International Criminal Tribunal for the Former Yugoslavia took advantage of Slobodan Milosevic's official role as President of the FRY in 1999 to indict him for crimes against humanity in Kosovo, whereas he has not yet been indicted for his responsibility for crimes committed during the 1991–95 wars in Bosnia and Croatia, when he was nominally only President of Serbia.

The de jure case against Saddam Hussein and his top associates is rock-solid. To summarize briefly, Article 37 of the current Iraqi constitution names the Revolutionary Command Council (RCC) the supreme body in the state. Articles 42 and 43 state that the RCC has the power to promulgate laws and decrees that have the force of law. Article 38 states that the RCC chairman is also the President, who is responsible under Article 57–59 for the acts of the Iraqi military and security services. The RCC chairman and Iraqi president is, of course, Saddam Hussein.

We have also been doing our part on the de facto case. Our second area of work has been in connection with one of the most important archives of evidence—millions of pages of captured Iraqi documents taken out of northern Iraq by Human Rights Watch and the U.S. Government. We scanned these onto 176 CD–ROM's. Last October, we announced we had given a set of the 176 CD–ROM's to the Iraq Foundation, along with a grant to make the full collection of these documents available on the Internet to scholars, journalists and, eventually, prosecutors worldwide. I know the Iraq Foundation and the Iraq Research and Documentation Project have been working hard on that project, which I will let them describe further.

Third, the U.S. Government has another archive of millions of pages of documents captured by U.S. forces in Kuwait and southern Iraq during Operation Desert Storm. I announced on August 2 that we have been working to declassify these documents and that we were giving the first of these to the Iraq Foundation. Today, I am announcing that we have given several hundred more to the Iraq Foundation, as well. I will let the Iraq Foundation describe further what is in this collection.

Fourth, the U.S. Government has an extensive archive of classified documents relating to Iraqi war crimes during the Gulf War. Since October, staff from my office have located and reviewed these materials. If you remember the final scene of ''Raiders of the Lost Ark'' where the Ark is being wheeled into a warehouse of crate upon crate, I should tell you that that warehouse *does* exist—it's in Suitland, Maryland—and that my staff found these materials on Iraqi war crimes . . . located safely right next to the Ark of the Covenant. U.S. Army lawyers and investigators did a truly outstanding job of compiling this evidence and organizing it in ways that will prove valuable to the staff of a tribunal or commission. Some of the materials can eventually be declassified. While we do not intend to make all of these documents public, we have worked closely with past commissions of experts and tribunals to allow them access to classified material in accordance with U.S. laws that protect sources and methods. We would be willing to do the same for a commission or tribunal looking into the crimes of Saddam Hussein and his henchmen.

I must also salute the work of Kuwaiti prosecutors, the Center for Research and Studies on Kuwait, and others there in documenting Saddam Hussein's crimes against the Kuwaiti people. After the liberation, Kuwaiti authorities undertook a systematic effort at collecting evidence and documenting Iraqi war crimes in Kuwait. As some of you know, Kuwaiti prosecutors recently completed a thorough trial of Alaa Hussein, installed in August 1990 by Saddam Hussein as the quisling governor of Kuwait during the early weeks of the occupation. Kuwaiti prosecutors showed, through their professionalism in that trial their ability to present evidence of Iraqi war crimes committed 10 years ago.

Fifth, U.S. Government officials have been meeting with witnesses and former Iraqi officials to gather evidence of Iraqi war crimes. There is no substitute for eyewitness accounts in any criminal prosecution, before an international tribunal or in national courts. We have learned a lot in these interviews. As a rule, we treat information provided to us in confidence, so we leave it to those who talk to us whether to go public with what they have experienced. There have been a number of cases where valuable leads have come forward. We understand other groups are also active in interviewing witnesses, but I will leave it to them to describe their own work.

Sixth, to support our other work the U.S. Government has undertaken a review of imagery to declassify potential evidence of both historical and more recent Iraqi criminal conduct. We have made public imagery products showing the ongoing work to drain the southern marshes, and destroy Iraqi villages. Recently, the Iraq Foundation received a report of the destruction of the southern Iraqi village of Albu Ayish on March 28 and April 5, 1999. We were able to locate imagery products from September

1998 and December 1999 that confirms this account. Those of you familiar with Jamie Rubin's press briefings of the conflict in Kosovo will recognize this presentation. [Show] On the left is Albu Ayish as it existed before Iraqi forces moved in. You can see the school near the river, here. The buildings surrounding it have roofs on them. In the ''after'' picture, here, the school is intact. That is more than you can say for the buildings surrounding the school, which bear the signs of destruction from ground level. I will leave it to Rend Franke if she wants to say more about what happened to the families at Albu Ayish and surrounding towns in southern Iraq. Albu Ayish is but one example of what the U.S. Government is doing to review imagery of Iraqi war crimes.

All in all, we have had a productive year in developing and preserving evidence of Iraqi crimes against humanity and war crimes. We are the first to say there is much more that needs to be done. To that end, we are hoping the Congress will give us the President's full requested appropriations so that this important work can continue for another year. We also anticipate further strong contributions to this work by the Iraqi opposition. The Iraqi National Congress, in particular, tell us they plan to devote substantial efforts to this cause as part of its upcoming $8 million work program.

III. THE REACTION FROM BAGHDAD AND ELSEWHERE

Let me turn to my third main point. One of the most interesting aspects of our work on documenting Iraqi war crimes, and engaging with other governments on this issue, has been the reactions we have received. Let me first talk about Baghdad's reaction. Saddam Hussein recognizes that he is vulnerable to calls for accountability for his crimes against humanity, genocide and war crimes. Articles in the international press have reported that the regime takes international efforts to establish a tribunal seriously. Threats of possible arrest have caused Iraqi officials to curtail or forgo travel to European countries whose laws allow arrest under the U.N. Convention Against Torture. The regime has also harassed Iraqis and others who speak out against the regime's crimes. For example, the regime sent someone with an Iraqi diplomatic passport—I hesitate to call him an Iraqi diplomat—to try to film participants at INDICT's conference on Iraqi war crimes in Paris this past April.

There is another important aspect of the Iraqi reaction, as well. Saddam Hussein realizes that international discussion of his crimes against humanity, genocide and war crimes reveals the truth about his policies towards the Iraqi people for the last 20 years. This is a regime that maintains its power through crime—whether it be by crimes against humanity and war crimes, or by killings, torture or the threat of killings and torture, of Iraqi citizens, and by looting the property that rightly belongs to the people of Iraq or Iraq's neighbors. Make no mistake—those crimes are continuing to this day.

Saddam Hussein clearly fears the truth. Journalists who travel to Iraq all have ''minders.'' It takes courageous journalists, and documentary film producers like Joel Soler, to tell any story other than the one that Saddam Hussein's regime wants you to tell. (I hope you all can see Mr. Soler's documentary, ''Uncle Saddam'' at 1:00 this afternoon.) One recent visitor to Iraq traveled to Baghdad earlier this year and was shown hospital beds with two patients to a bed. It was only when he slipped away from his minder that he found out that around the corner, out of sight, was a room full of empty hospital beds. Last week, as you read in Barbara Crossette's story in September 12th's New York Times, Saddam Hussein kept U.N. humanitarian experts from traveling to Iraq to assess the true living conditions in Iraq. She wrote, ''President Saddam Hussein, whose government is now probably the world's most repressive, wants to control all contact between Iraqis and outsiders, and can in effect veto the assignment to Iraq of even United Nations officials.'' Large aid organizations based in Europe have been barred from areas in Iraq under the regime's controls. Instead, only small, anti-sanctions protesters, ''who bring in relatively small amounts of aid, are welcomed for their propaganda value.'' Any statistics from Iraq, or taken by Iraqi officials for the U.N., are seriously suspect. A recent Fellow at the U.S. Institute of Peace, Amatzia Baram, documented in this Spring's issue of Middle East Journal how the Government of Iraq denies U.N. relief agencies accurate and reliable statistics on the true conditions inside Iraq. No reporter should uncritically accept as true any Iraqi statistics, based on the research and data shown in this article. Iraqi human rights and opposition groups frequently must work hard and take risks to get the truth out of Iraq, and I am honored to be here with some of their representatives today. Saddam Hussein refused every year to allow the former U.N. Special Human Rights Rapporteur for Iraq, Max van der Stoel, to visit Iraq to find out the truth about Iraqi human rights abuses. The new rapporteur, Andreas Mavrommatis of Cyprus, has not been allowed into Iraq, either. Efforts to keep U.N. arms inspectors from the truth about Saddam's nuclear, chemical and biological weapons are so well-known I will not repeat them, except to say there were many ''full and final disclosures.'' Russian diplomat Yuli M. Voronstov was this year denied entry to find out the true fate of more than 600 missing Kuwaitis taken captive by Iraq during the occupation of Kuwait and, thus far, never returned to their families. Their fate is known up until the time they were taken to a prison in Basrah, southern Iraq, and they have never been heard from since. It is true that, a few years ago, Iraq admitted it had been holding hundreds of Iranian prisoners of war more than 10 years after the end of the Iran-Iraq War. When the truth came out, Iraq was forced to release its prisoners.

All this effort to conceal the truth about what is going on inside Iraq today is hard to explain without understanding the context of Saddam Hussein's 20-year record of crimes against humanity by the Iraqi regime. We know from those who have been in Saddam's inner office that he admires Josef Stalin, and he has clearly tried to emulate Stalin's methods of brutality, terror, covering up the truth, and using propaganda to project a different image. An awareness of the criminal character of Saddam Hussein's regime puts in context his current propaganda campaign. No wonder Saddam Hussein is concerned about efforts to establish an international tribunal that would document the truth of his 20 years of crimes against humanity, genocide and war crimes. It would end international support for Saddam Hussein's campaign to gain personal control of billions of dollars of Iraqi oil revenues that is now dedicated to the Iraqi people through the U.N.'s oil-for-food program. Make no mistake—the United States is committed to finding ways of improving conditions for the Iraqi people, but we cannot foresee the suspension of U.N. sanctions except through full compliance with the Security Council's resolutions that were adopted precisely as a result of Saddam Hussein's crimes against humanity, genocide, and war crimes against the peoples of Iraq and Iraq's neighbors.

The United States has held discussions in the last year with a number of governments and non-governmental organizations who share the desire for an international tribunal to indict Saddam Hussein and his top aides for their crimes. We have also compiled a collection of arguments from those who don't want to support a tribunal. As you would expect, none of them withstands scrutiny. Let me share some of the answers we have given and let you be the judge.

Until recently, some people said there was no reason to bring Saddam to justice since most of his crimes took place long ago, starting right after he seized absolute power in 1979. That argument doesn't work any more, since other recent efforts for justice in Europe and Asia have reached back prior to 1979, when Saddam Hussein murdered his way to the presidency of Iraq. The worst abuses of the Pinochet era took place in 1973–1979, and the crimes against humanity of the Khmer Rouge era took place in 1975–1979. As Secretary Albright has long made clear, there is no statute of limitations for genocide or crimes against humanity.

Some have said that the Security Council should not establish another ad hoc international tribunal and instead wait for the International Criminal Court (ICC) to come into force. The ICC Treaty will not come into force for at least two more years, and it will not have jurisdiction over crimes committed before the Treaty comes into force. Therefore, the ICC will be not able to hold Saddam Hussein and his associates accountable for between a hundred thousand and a quarter of a million civilian deaths, nor for the tortures, rapes, lootings and other crimes against humanity and war crimes of the past, nor for crimes against humanity that are still going on inside Iraq today. Nor, under Article 12 of the Treaty, is the ICC going to be able to indict Saddam for crimes he commits in the future inside Iraq unless the Security Council acts to establish the court's jurisdiction over his crimes, which we, and others, say should happen right now.

Our pursuit of justice in Iraq is entirely consistent with the objectives of the International Criminal Court, objectives we have long supported. Governments that support international justice need to work together in real time on the most demanding issues of accountability of this era—in places like the former Yugoslavia, Rwanda, Sierra Leone, Cambodia—and Iraq. It would be ironic indeed if the generation of leaders who drafted the ICC Treaty turned their backs on some of the most egregious crimes of our time. The ICC will not succeed if its supporters are not willing to demand accountability for war criminals like Saddam Hussein.

Finally, there used to be those who said that the threat of indictment of officials around Saddam Hussein would deter them from leading a coup against him. The nature of the Iraqi regime—both in fact and in law—is that Saddam Hussein and a very small group of men around him have wielded absolute power. They are not likely to be the ones to lead an uprising against Saddam. They deserve to be the ones held responsible for the regime's crimes against humanity, genocide and war crimes. When Saddam passes from the scene—and this will happen sooner or later—there will need to be a process of truth and reconciliation for the bulk of Iraqi society if it is to make peace with itself. We owe it to the victims of 20 years of the crimes of this regime to hold accountable those at the top who wielded absolute power and ruined the lives of millions of Iraqis.

The last argument that never gets made, at least publicly, is money—that there is profit in doing business with the Baghdad regime despite its criminal character. Countries that have ratified the ICC treaty have

already expressed, explicitly or implicitly, their policy decision that economic grounds are insufficient to let a war criminal off the hook. We believe there is much more to gain for international peace and security from pursuing international justice against Saddam Hussein than would ever be possible to gain for private profit from pursuing international commerce with Saddam Hussein. Moreover, in the end, Saddam Hussein's criminal regime will go. At that time, the Iraqi people will look up, around them, and see who stood up for justice for the victims of Saddam Hussein's criminal regime, and who opposed efforts to bring the regime to justice. It is in everyone's long-term interests—economic, political, and moral—to side with justice for the peoples of Iraq, Iran, Kuwait, and elsewhere.

IV. CONCLUSION

In conclusion, let me say this. Iraq is a proud nation. Its heritage goes back to the days of Hammurabi the lawgiver and the four schools of Islamic law of the Abbasid Caliphate (Hanafi, Maliki, Shafi'i and Hanbali), and the great Shi'ite schools of Islamic theology that Saddam Hussein has sought to destroy. Saddam tries to liken himself to the great Nebuchadnezzar II, when it is more likely history will judge him as a latter-day Hulagu Khan, the Mongol conqueror who left Iraq a legacy of death, devastation and misrule. Mongol conquerors built a pyramid of the skulls of their victims; Saddam Hussein used helmets of Iranian soldiers killed during the Iran-Iraq War. The time has come for Saddam Hussein and his top associates to be held accountable for their 20 years of crimes against humanity, war crimes and genocide. I hope you will join with me these next few months in advancing the cause of justice in Iraq.

IN HONOR OF THE NORTH WARD CENTER, FOR 30 YEARS OF IMPROVING THE LIVES OF NEW JERSEY FAMILIES

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the North Ward Center on its 30th anniversary. For 30 years, the North Ward Center has been an invaluable asset to Essex County, New Jersey. By providing a variety of important social services, the North Ward Center has improved the lives of thousands of Essex County residents.

Through educational, cultural, and social programs, the North Ward Center has empowered low-income families and families on welfare, providing them with the tools necessary to take full advantage of all that America has to offer. The Center helps promote self-sufficiency and assists in neighborhood revitalization, building better and stronger communities.

In addition, the North Ward Center provides exceptional pre-school, elementary, and middle school education for young people, enabling them to learn essential skills for setting and achieving future goals. Through after-school development and recreation programs, the Center works very hard to develop compassionate and productive young adults. It also assists senior citizens with vital services, such as transportation to medical appointments and grocery stores.

At every level, The North Ward Center serves the community—leaving no one behind. Its Child Development Center is one of New Jersey's best pre-school programs; its Youth Development Program serves over 3,500 young people annually, providing a comprehensive approach to personal development, peer mentoring, and physical activities through organized sports; its Academy for Life Long Learning provides a high tech, adult basic skills program and is a statewide model used by the governor; and its Youth and Family Outreach program provides important development and support initiatives to help prevent family disintegration.

The extraordinary success that the North Ward Center has achieved is attributable to many factors, especially to the hard work and dedication of Executive Director Steve N. Adubato. He is the Center's spiritual leader and guiding force. Under Steve's leadership, the North Ward Center has changed the face of the North Ward and improved the lives of its residents; for that, I extend my deepest gratitude.

Today, I ask my colleagues to join me in honoring The North Ward Center for all it has done for the families of Essex County, especially Newark, New Jersey.

HONORING WOODROW STANLEY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2000

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today on behalf of the Flint, Michigan Pan-Hellenic Council. For many years, the Council has been at the forefront of activities that have tremendously benefited the community. The Council also takes the time to recognize other members of the Flint community who also work to make long-standing positive impact. On September 21, at the Council's Tenth Annual Salute Dinner, they will salute one such individual, Flint Mayor Woodrow Stanley.

Woodrow Stanley is currently serving his third term as Mayor of Flint, Michigan. A resident of Flint since 1959, Mayor Stanley is a product of the Flint School District. After graduating from Flint Northern High School, he worked full time for General Motors and paid his own way through college. He graduated from Mott Community College and the University of Michigan-Flint.

Mayor Stanley's political career began in 1983 when he was appointed to the Flint City Council representing the Second Ward. He held this position for four consecutive terms, until his election as Mayor in 1991. As Mayor, Woodrow has worked diligently to promote, defend, and enhance the quality of life for his constituents. His community policing and crime prevention programs has caused a significant drop in the city's crime rate. He has worked to improve city parks and recreational activities, and many residents have found City Hall more accessible, thanks to Mayor Stanley's leadership. Other programs Mayor Stanley has been involved with include the Mayor's Youth Cabinet, Mayor's Initiative on Summer Employment, and City and Schools in Partnership.

Through his partnerships with area civic and business leaders, Flint was designated as an Enterprise Community and was established as a Job Corps site.

In addition to the tremendous work he does in City Hall, Mayor Stanley also serves as Vice-Chair of the Michigan Democratic Party, is a past Chair of the Michigan Association of Mayors, and is a life member of the NAACP. Other groups he has been involved with include the National League of Cities, National Black Caucus of Local Elected Officials, and the Michigan Municipal League. He has received numerous awards and citations, including the Distinguished Service Award by the National Black Caucus of Local Elected Officials, Man of the Year by the Minority Women's Network, and the Donald Riegle Community Service Award by the Flint Jewish Federation, among many others.

Mr. Speaker, I am pleased to hear that the Flint Pan-Hellenic Council has sought to acknowledge the achievements of Mayor Woodrow Stanley. He is truly deserving of their honor. Furthermore, I am proud to have Mayor Stanley as my constituent, my colleague, and my friend. It is difficult to imagine the City of Flint without his influence. I would also like to recognize his wife Reta, and their two daughters, Heather and Jasmine. We owe them all a debt of gratitude.

''STRENGTHENING U.S. EXPORT CONTROLS'' H.R. 5239

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2000

Mr. GILMAN. Mr. Speaker, today together with the Ranking Minority Member Mr. GEJDENSON I am introducing a measure, the ''Export Administration Modification and Clarification Act of 2000'' that will strengthen the enforcement of our export control system by increasing the penalties against those who would knowingly violate its regulations and provisions.

This measure would implement one of the key recommendations of the Cox Commission report on protecting our national security interests and is virtually identical to a provision in H.R. 973, a security assistance bill, which passed the House in June of last year with strong bipartisan support.

Since the Export Administration Act, EAA, lapsed in August of 1994, the Administration has used the authorities in the International Emergency Economic Powers Act, IEEPA, to administer our export control system. But in some key areas, the Administration has less authority under IEEPA than under the EAA of 1979. For example, the penalties for violations of the Export Administration Regulations that occur under IEEPA, both criminal and civil, are substantially lower than those available for violations that occur under the EAA. Even these penalties are too low, having been eroded by inflation over the past 20 years.

The measure I am introducing today significantly increases the penalties available to our enforcement authorities at the Bureau of Export Administration, BXA, in the Department of Commerce. It also ensures that the Department can maintain its ability to protect from public disclosure information concerning export license applications, the licenses themselves and related export enforcement information.

In view of the lapse of the EAA over the past five and a half years, the Department is

coming under mounting legal challenges and is currently defending against two separate lawsuits seeking public release of export licensing information subject to the confidentiality provisions of section 12(c) of the EAA.

Accordingly, I urge my colleagues to join me in supporting this very timely measure that will provide the authorities our regulators need to deter companies and individuals from exporting dual-use goods and technologies to countries and uses of concern and to protect the confidentiality of the export control process.

HONORING THE WESLEY HOUSING DEVELOPMENT CORPORATION

HON. JAMES P. MORAN

OF VIRGINIA

HON. TOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2000

Mr. MORAN of Virginia. Mr. Speaker, on behalf of myself and Representative THOMAS DAVIS, I rise today to recognize the Wesley Housing Development Corporation on 25 years of service.

We are all aware of the national problem that is especially acute in Washington and other metropolitan areas. The booming economy has severely tightened the rental market, putting low and moderate rental properties out of reach for scores of our citizens.

True to its mission, Wesley Housing has pioneered affordable housing solutions that have stabilized and strengthened families, neighborhoods and entire communities throughout Northern Virginia.

Additionally, through its efforts to empower these residents, it has formed partnerships with area institutions of higher learning to assist residents in acquiring the necessary skills and training central to competing in this new age of information and technology.

Many of our colleagues here in Congress have espoused the notion of bridging the digital divide.

Mr. Speaker, it is through community efforts as demonstrated by the Wesley Housing Development Corporation that we are able to achieve this reality.

During 25 years of service, it has remained true to one general theme which has been vital to its success, everyone counts.

Over these years, it has served over 7,000 residents including the elderly, physically disabled persons, those living with HIV and AIDS, and those representing a broad spectrum of ethnic backgrounds.

Mr. Speaker, we take great pride in commending the Welsey Housing Development Corporation on a job well done during its 25 years of service.

Thanks to the men and women of this Corporation who have answered the call of duty for our most neediest citizens, our outlook for tomorrow is much brighter.

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. BAIRD. Mr. Speaker, school-based health centers provide a valuable service for the youth of America. Students across this country rely on their parents for critical advice, judgement and emotional support. However, for the small percentage of children who are not fortunate enough to have an involved parent, school-based health centers become vital for the welfare of those kids and the community they serve.

We have to admit to ourselves that some parents do not live up to their responsibility. Far too many children today are the product of neglect, bad parenting, and broken homes. Therefore, many local communities have decided to play a positive role in the lives of these students by offering them an opportunity to seek help from school-based health centers.

Mr. COBURN's motion prohibits any federal funding for emergency contraception provided to elementary and secondary school-based health clinics. Contrary to our shared national goal of reducing unintended pregnancies, this motion tries to confuse abortion with preventative contraception. Emergency contraception can be used after having unprotected sex or if a method of birth control fails and a woman does not want to become pregnant. This procedure, which has been deemed safe and effective by the Food and Drug Administration, prevents pregnancy. It does not abort pregnancy.

Mr. Speaker, I would like to note one thing for the record. I do not advocate the federal government funding these programs at the elementary school level. But because this motion overreaches and includes secondary schools as well, I can not support the Coburn amendment in its current form.

Local school-based health centers were established by community representatives, parents, youth and family organizations to address the needs within their community. These centers provide a confidential, safe place for teens to receive health-care services and related counseling. Although pregnancy is a serious mater which should be dealt with in a family environment, I feel school-based health clinics offer a necessary option to prevent unwanted pregnancies.

A SPECIAL TRIBUTE TO JOHN L. STEER FOR HIS PATRIOTISM AND HEROIC SERVICE TO THE UNITED STATES OF AMERICA

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2000

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise to pay special tribute to a true American patriot, Mr. John L. Steer. John served his country with great distinction while protecting the values and ideals of democracy. A decorated war hero for his gallant service and duty in the Vietnam War, John Steer courageously fought and nearly gave his life for his country as a paratrooper with the 173rd Airborne Infantry Division of the United States Army.

During many encounters with the enemy, John was wounded, but continued to fight and assist his fallen comrades. In one of the most remembered battles, Hill 875 at Dak To, John was shot several times and most of the men in his battalion were killed. However, John survived that terrible time period and was decorated for his service in the conflict. In total, John was awarded two Purple Hearts, the Silver Star for gallantry in action, the Bronze Star, and the Army Commendation Medal. John's actions truly keep with the highest traditions of military service.

Mr. Speaker, life after Vietnam brought many things to many individuals. For John Steer, it brought a calling to God and continued service to veterans across our nation. Today, as a Christian evangelist and minister, John Steer speaks to groups across the nation about his experiences and how to make the most out of life. As the founder of Living Word Christian Ministries, John and his wife, Donna, were recognized by President George Bush at the 682nd Presidential Point of Life for operating Fort Steer—a refuge for addicted and traumatized veterans.

John Steer is also a nationally known artist, author, songwriter, speaker, and recording star. He has written several books about his service in Vietnam and has recorded fourteen country-style gospel and patriotic albums. He performed in front of more than 50,000 people at the dedication of the Vietnam Veterans Memorial in Washington, DC. In 1999, John won three awards by the North American Country Music Association International, including Male Vocalist of the Year for traditional gospel music and Patriotic Song of the Year.

Mr. Speaker, the men and women who serve in the United States armed forces unselfishly put their lives on the line to protect the banner of freedom that we enjoy as Americans. Veterans, like John Steer, prove that sacrifice is difficult, but continuing with life is truly rewarding for oneself and those one touches. It is often said that America prospers due to the unselfish acts of her sons and daughters. John's dedicated service in Vietnam and his current efforts as a minister, author, and artist are a glowing example of how proud all Americans should be of our veterans. I would urge my colleagues to stand and join me in paying special tribute to John L. Steer—a true American hero.

HONORING MIKE WILSON OF NILES, OHIO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2000

Mr. TRAFICANT. Mr. Speaker, today, I want to congratulate Mike Wilson of Niles, Ohio for being chosen as this year's ''Gary Komarow Memorial Executive Officer Of The Year Award'' winner. Mike is a valuable part of our

community and I would like to extend my congratulations and thanks to him for all of his hard work. The following news article describes the award:

SAVANNAH, GA—Mike Wilson, executive officer of the Mahoning Valley Home Builders Association, received the ''Gary Komarow Memorial Executive Officer Of The Year Award'' at the national HBA conference in Savannah, GA.

The Niles resident was selected out of 700 local, state, and province HBA organizational executive officers in the United States and Canada.

The award recognizes the actions, commitments, and practices that have assisted the advancement of the nominee's association, industry and community.

UNIFORM TESTING FOR NEWBORNS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2000

Mr. MURTHA. Mr. Speaker, it's a distinct pleasure for me to join today with Congressman PALLONE in introducing legislation to help achieve full screening of newborns for health disorders.

Mothers are familiar with the ''heel and prick'' test, but few know how many diseases the hospital is testing. Many hospitals test for 2 or 3, the March of Dimes recommends 8 disorders as a core group for uniform screening, but the technology exists to screen for more than 30 life-altering conditions. There is no reason not to have full and uniform screening for the four million infants born nationwide every year. Right now, it's a piecemeal approach, with different states testing at different levels.

Backed by the American Academy of Pediatrics, the same drops of blood can provide full screening for disorders at the cost of about $25 a baby.

This issue was first brought to my attention a couple months ago by a Mother from Somerset County in the area I represent. She points to specific families such as the New Mexico couple that had two infants die from VLCAD that weren't tested for the disorder; a Texas couple whose son has brain damage from GA1, not on the tested list; or my constituent's grandson who could have been brain damaged or dead because MCAD is not tested uniformly. Against the measure of these illnesses and the impact on infants and families, surely we can devote the $25 to full testing.

Our bill would establish a grant system to be administered by the Department of Health and Human Services to help states and localities implement full testing.

To me, one of the great overlooked issues in the health care debate is the 11 million children in our Nation with no health care insurance. No child should suffer because of a lack of health care, and no child and family should suffer because we don't commit to doing the full testing we can to head off debilitating diseases. Let's pass this legislation and make sure that newborns get the full screening they need and deserve.

FHA SHUTDOWN PREVENTION ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2000

Mr. LAFALCE. Mr. Speaker, today, I am introducing legislation designed to prevent future shutdowns of FHA specialty lending programs. The ''FHA Shutdown Prevention Act'' provides standby legal authority for HUD to keep FHA loan programs under the so-called GI/SRI Funds operating in the event they run out of required credit subsidy.

GI/SRI programs are all FHA loans, except the core single family MMIF loans. In late July of 2000, HUD was forced to shut down a number of specialty FHA loan programs, included in the GRI/SI account. These include the reverse mortgage program, condominium loans, Title 1 property improvement loans, and various multi-family loans.

The cause of the shutdown was that HUD had run out of credit subsidy required under law to keep making these loans, and Congress had failed to pass emergency legislation needed to provide additional credit subsidy. Though many of us have been calling on Congress to act to restore lending authority for these programs, the difficulty of finding a suitable spending bill to attach this to is easier said than done. In fact, just yesterday, the Senate rejected the Treasury-Postal appropriations bill, which had contained the necessary credit subsidy to restart these programs.

These developments and yesterday's failure all illustrate that the current system is not working. The answer is that we should give HUD the standby legal authority to continue these programs, even when they run out of credit subsidy. This will not undercut the Credit Reform Act; appropriators will still have to appropriate the necessary credit subsidy each year (or if not, will still be scored as having appropriated such amount). But this bill merely provides a backstop in case our projections are inaccurate.

The irrationality of the current system is underscored by the fact that the combined FHA GI–SRI funds actually make a net profit for the government. For FY 2001, FHA is projected to have 6 GI/SRI Fund loan programs which are projected to generate a positive credit subsidy—that is, they are projected to generate a cumulative loss of $101 million. For FY 2001, FHA is projected to have 16 GI/SRI Fund loan programs which are projected to generate a negative credit subsidy—that is, they are projected to generate a cumulative profit of $122 million.

Thus, the 22 FHA GI/SRI Fund loan programs are projected to make a net profit of $21 million. In spite of this, the six programs projected to run a loss would be unable to continue at any point that they run out of credit subsidy—even if the combined fund continues to run a profit. This does not make sense. My legislation recognizes this reality, in effect allowing profit-making loan programs to pay for money-losing programs in the event there is a shortfall.

I urge the appropriations committee to adopt this approach for the next fiscal year. When it comes to unnecessary shutdowns of FHA loan programs, we should make certain we never find ourselves in this position again.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''FHA Shutdown Prevention Act''.

SEC. 2. USE OF NEGATIVE CREDIT SUBSIDY FROM GENERAL AND SPECIAL RISK INSURANCE FUND PROGRAMS.

(a) GENERAL INSURANCE FUND.—Section 519 of the National Housing Act (12 U.S.C. 1735c) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection:

''(e) USE OF NEGATIVE CREDIT SUBSIDY.—

''(1) IN GENERAL.—In the case of any program for insuring mortgages or loans which are obligations of the General Insurance Fund that is determined for any fiscal year, for purposes of title V of the Congressional Budget Act of 1974 (2 U.S.C. 661 et seq.), to have costs (as defined in such title) of a negative amount, subject to paragraph (2), the amount of such negative credit subsidy shall be considered to be new budget authority provided in advance in an appropriations Act for such fiscal year and shall be available for covering the costs of making insurance commitments under any program for insurance for mortgages or loans under which such insurance is an obligation of the General Insurance Fund or the Special Risk Insurance Fund.

''(2) APPLICABILITY.—Paragraph (1) shall apply with respect to a fiscal year only if and beginning at such time that, during such fiscal year, all amounts of budget authority appropriated for such fiscal yea to cover the costs of programs for insuring mortgages or loans which are obligations of the General Insurance Fund or the Special Risk Insurance Fund have been used to enter into commitments for such insurance.''.

(b) SPECIAL RISK INSURANCE FUND.—Section 238 of the National Housing Act (12 U.S.C. 1715z–3) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) USE OF NEGATIVE CREDIT SUBSIDY.—

''(1) IN GENERAL.—In the case of any program for insuring mortgages or loans which are obligations of the Special Risk Insurance Fund that is determined for any fiscal year, for purposes of title V of the Congressional Budget Act of 1974 (2 U.S.C. 661 et seq.), to have costs (as defined in such title) of a negative amount, subject to paragraph (2), the amount of such negative credit subsidy shall be considered to be new budget authority provided in advance in an appropriations Act for such fiscal year and shall be available for covering the costs of making insurance commitments under any program for insurance for mortgages or loans under which such insurance is an obligation of the General Insurance Fund or the Special Risk Insurance Fund.

''(2) APPLICABILITY.—Paragraph (1) shall apply with respect to a fiscal year only if and beginning at such time that, during such fiscal year, all amounts of budget authority appropriated for such fiscal year to cover the costs of programs for insuring mortgages or loans which are obligations of the General Insurance Fund or the Special Risk Insurance Fund have been used to enter into commitments for such insurance.''.

SMALL BUSINESS COMPETITION PRESERVATION ACT OF 2000

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4945) to amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes.

Mr. REYES. Mr. Chairman, I rise in strong support of H.R. 4945 which will amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes. My support for this bill is based on my concern that larger businesses may be influencing activities to group or bundle requirements so that they exceed $100K. Clearly, one of the original intents of the Small Business Act was to assist small businesses in competing for smaller Federal Government contracts. Ideally requirements under $100K should be awarded to small businesses. However, loose interpretations of the statute and a tendency toward bundling have caused small businesses to be cut out of the procurement process.

The strength of this nation's economy is based on the contributions of small businesses. When these small businesses demonstrate that they have the ability to meet the requirements established in the contract, they should not be unfairly shut out of the process because of their size or lack of access. This legislation goes a long way toward eliminating the unfair practice of bundling a number of small contracts into one and awarding the contract to a larger business. I urge my colleagues to support this important legislation.

RECOGNIZING HOLY NAME PARISH ON THEIR 140TH ANNIVERSARY

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2000

Mrs. JONES of Ohio. Mr. Speaker, in the years from the founding of Holy Name Parish in 1859 to this testimonial dinner in the new millennium, the community has witnessed many changes. One constant in the sea of change is the service and dedication of Holy Name Parish. The church established itself as a beacon of hope from its humble beginnings in the home of a local farmer to opening the first coeducational school in Cleveland.

Reverend Thomas V. O'Donnell unselfishly serves in the footsteps of the visionaries who came before him to shepherd the flock known as Holy Name Parish. As her spiritual leader he will guide the parish in continuing to accept her role as not only a monument of bricks and mortar but as a center of community life to the Harvard and Broadway area.

Be it resolved that I, STEPHANIE TUBBS JONES, do hereby welcome the featured speaker Bishop Anthony Pilla. May you be proud of the achievements of the last 140 years and may you prosper into the next millenium.

''Then to the place the Lord your God will choose as a dwelling for His Name . . . And there rejoice before the Lord you God.'' Dt. 12:12

MEDICARE PATIENT ACCESS TO TECHNOLOGY ACT

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2000

Mr. MOAKLEY. Mr. Speaker, I rise today in support of H.R. 4395, the Medicare Patient Access to Technology Act which has been introduced by my colleagues JIM RAMSTAD of Minnesota and KAREN THURMAN of Florida.

Mr. Speaker, H.R. 4395 has one simple objective: to speed the delivery of new medical technologies to patients covered under the Medicare program. Unfortunately, under our current system, it now takes up to five years before Medicare beneficiaries have access to new medical technologies thanks to an outdated and inefficient system now in place at the Health Care Financing Administration—HCFA. This system, which is nearly 35 years old, cannot effectively deal with the rapid pace of Medical innovation and has been responsible for denying needy patients the products and technologies that improve and save lives.

In my district, Mr. Speaker, some of the most advanced medical research in the world is currently underway. Doctors and researchers at Mass. General Hospital, Children's Hospital, Boston University Medical Center and Tufts University School of Medicine are devoting their lives and careers to the development of new medical technologies that will help us live longer and more effectively treat a wide range of diseases.

Once these technologies are fully developed and approved by the FDA as ''safe and effective'' their availability in the health care setting is delayed by a major roadblock—HCFA, where the new medical product must wait years for bureaucrats to decide whether Medicare will cover and pay for this technology. According to a report released this summer, HCFA can take up to five years to come to these decisions. Five years of bureaucratic consideration, while our seniors and other Medicare beneficiaries wait and wait.

Unfortunately, Mr. Speaker, Medicare recipients are not the only ones to suffer because of HCFA's flawed reimbursement system. Third party payers—insurers such as Blue Cross/Blue Shield and health maintenance organizations—take their cue from Medicare when it comes to reimbursing new medical products. So, this ineffective reimbursement system can and does have a much larger, negative impact on all of us.

Mr. Speaker, in the coming weeks, the House of Representatives will consider legislation aimed at addressing the shortcomings of the Medicare reforms contained in the Balanced Budget Refinement Act passed in the first session of this Congress. When we review this legislation, it is likely that we will be asked to consider inclusion of the Medicare reimbursement reforms contained in H.R. 4395.

I urge my colleagues to support this effort and take advantage of this unique opportunity to modernize and streamline HCFA's reimbursement system for new medical technologies.

H.R. 4395 will require HCFA to: Provide Congress with an annual report on its national coverage actions; annually update the payment levels for new medical products to reflect changes in medical technologies and practice; establish new procedures for reimbursement of new diagnostic tests; and improve the coding process, expediting the processing of reimbursement decisions.

Mr. Speaker these changes will establish order and predictability to HCFA's Medicare reimbursement process and, more importantly, could reduce the amount of time it takes for new medical products to reach Medicare beneficiaries by one-half.

Before we conclude our work in the 106th Congress, let's take action to ensure that Medicare recipients can count on the many benefits of new medical technologies. Let's include the provisions of H.R. 4395 in the amendments to the Balanced Budget Refinement Act.

ONE YEAR AFTER TAIWAN'S DEVASTATING EARTHQUAKE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2000

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Many of us still remember the horrific earthquake that hit Taiwan on September 21, 1999. More than 2400 people were killed, hundreds were seriously injured and missing and 100,000 people were left homeless. About 1,000 homes and businesses were destroyed. Property damage amounted to billions of U.S. dollars.

The Republic of China government was swift and efficient in its rescue efforts. Rescue and relief operations were carried out by local and international specialized teams from 21 countries. Now a year later, the Republic of China has fully recovered from its economic losses, and the government has done everything possible to help its quake victims. For those families with quake-related deceased members, they have received cash grants and for families with collapsed or half-collapsed houses, they have received special loans to help them rebuild their homes. The government, with the help of the private sector, has also set up shelters for affected families.

In addition, Republic of China President Chen Shui-bian on June 1 this year set up a cabinet-level commission to oversee all reconstruction efforts. This commission will have members from all government agencies and ministries, and the commission's goal is to ensure that all affected families will have the chance to resume the lives they led before the quake.

In short, the Republic of China government has spared no effort in helping its quake-affected families. Its financial outlay in reconstruction has amounted to nearly US$ 5 billion. Indeed, the quake brought out the best in the Taiwan people. It has accentuated their ability to overcome adversity. They have learned to deal with the trouble and get on with their lives.

INTRODUCTION OF A RESOLUTION CONGRATULATING NANCY JOHNSON, A NATIVE OF DOWNERS GROVE, IL, ON WINNING THE FIRST GOLD MEDAL OF THE 2000 SUMMER OLYMPIC GAMES IN SYDNEY, AUSTRALIA

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 22, 2000

Mrs. BIGGERT. Mr. Speaker, I rise today to recognize and honor Nancy Johnson, a native of Downers Grove in the 13th Congressional District of Illinois, for making history this past weekend.

Nine years after being advised to retire due to nerve damage in her arms and legs, Nancy Johnson overcame the odds to win not just a gold medal, but the very first gold medal of the 2000 summer Olympic games in Sydney, Australia. Nancy struck gold in the women's 10 meter air rifle competition.

Like all Olympic events, the competition was tough and came down to the wire. In fact, it came down to the final 10 shots. Neither Nancy nor the 7 other final round competitors blinked, budged or crumbled under the pressure. But, when it was all over, Nancy had edged out Cho-Hyun Kang of Korea by two-tenths of a point.

But Nancy's story is even more impressive than her Olympic triumph. Her victory is the story of perseverance. Her medal-winning performance was the culmination of years of hard work, dedication, competitiveness and, most importantly, family.

Nancy first took up the sport of shooting as a teenager. She and her father, Ben Napolski, often shot together at the Downers Grove junior rifle club. Ben and Diane, Nancy's mom, also lent their support while she competed in numerous competitions, including the 1996 Olympics in Atlanta where she finished 36th in her sport. Tragically, Diane passed away before she could see her daughter's magnificent accomplishment. But Ben, and Nancy's husband Ken, were there in Sydney to provide support, advice and gold-winning embraces.

Nancy Johnson's Olympic performance and shooting achievements also have helped to raise the level of awareness and appreciation for women's sports throughout the United States. her love for a sport not typically associated with women serves as an inspiration for all of us, regardless of age or gender, to participate in activities we might not otherwise. Her performance also reminds us that participation in sport provides women, as well as men, with a means to gain the experiences, self-confidence and skills that are needed to succeed in all other endeavors.

Nancy's gold medal-winning performance epitomizes the goals and ideals of the Olympics. These goals, which have not changed since antiquity, include a commitment to a goal, grace under pressure, unity, perseverance, fair play and good will toward fellow competitors. Most of all, her performance teaches us that Olympic competition is about the quest for excellence.

In closing, Mr. Speaker, Nancy Johnson has honored her family,her native home town of Downers Grove, her native state of Illinois and her country through her dedication to excellence and high achievement. More important, this young woman has left her mark in history. I ask that my colleagues join me in saluting her achievement and all that for which it stands.

CONGRATULATING THE ACCOMPLISHMENTS OF TEAM8 COMMUNITIES COALITION

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 22, 2000

Ms. RIVERS. Mr. Speaker, it is with great enthusiasm that I rise today to commend a very special group from my district. The TEAM8 Communities Coalition, a community partnership comprised of the eight cities of Adrian, Albion, Belleville, Milan, Romulus, Saline, Sumpter, and Van Buren has made great advances in combating juvenile crime. These outstanding communities came together three years ago to build a model strategic defense against the escalation of drug-use and youth violence in the State of Michigan. Within that three year span, the communities have delivered prevention education services and youth development activities to more than 56,000 school children, reducing juvenile crime over 50 percent and in-school incidents by 75 percent.

Mr. Speaker, I am confident that TEAM8 will continue to make great strides in the fight to rid our communities of juvenile crime. Again, I commend TEAM8 and I wish all the participants continued success in the future.

HONORING THE CITY OF GALVESTON, THE PORT OF GALVESTON, AND CARNIVAL CRUISE LINES

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 22, 2000

Mr. LAMPSON Mr. Speaker, today I honor the City of Galveston, the Port of Galveston, and Carnival Cruise Lines on a very historic occasion. On September 27, 2000, the Texas Cruise Ship terminal at Pier 25 on Galveston Island will be rededicated. This $10.6 million renovation and refurbishment of the historic 73-year-old terminal will equip the facility to serve as a home port for Carnival Cruise Line's 1,486-passenger vessel *Celebration.*

From the end of World War I until the late 1930s, luxury passenger ships owned by the Mallory Lines regularly sailed twice a week between Galveston and New York. A commitment was made in the mid-1980's by City of Galveston officials to develop a cruise terminal on Galveston Island and market the city to major cruise lines once again. The *Celebration* will result in 20 ship port-o-calls in 2000 and 79 in 2001. It is estimated that the local economic impact will amount to approximately $40 million annually from ship and passenger spending.

Mister Speaker, this is an exciting time to be a Galvestonian. I would like to applaud everyone throughout the community who made this dream a reality. When the first ship sets sail on September 30, it will usher in a new era of Gulf Coast cruise operations out of the Port of Galveston.

H.R. 5109, DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PERSONNEL ACT OF 2000

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2000

Mr. REYES. Mr. Speaker, I rise today to advise that unfortunately because of an important scheduling conflict, I was unable to cast my vote yesterday during consideration of H.R. 5109, The Department of Veterans Affairs Health Care Personnel Act of 2000. At the time of the vote, I was presenting a keynote speech in observance of Hispanic Heritage Month, where I highlighted veterans issues as part of a discussion of the important contributions of Hispanics in public service.

Had I been able to be present during consideration of the bill, I would have voted in support of the bill. This is a bill that I co-sponsored, strongly supported and voted in favor of being reported out of the House Veterans Affairs Committee for consideration on the House floor.

This is an important bill that would improve the personnel and administration systems of the Veterans Health Administration, allow for necessary construction, and require reports on the effectiveness of the Veterans health care system along with the various aspects of Post Traumatic Stress syndrome on Veterans.

The bill is important as it provides revised authority for pay adjustments for nurses employed by the Department of Veterans Affairs, and requires that nurses are consulted in formulating policy relating to the provision of patient care.

Also, as part of the full spectrum of health care for Veterans, I am pleased that the bill provides for special pay for dentists, and raises their salaries depending on their training and length of tenure.

Additionally, the bill provides an exemption for pharmacists from a ceiling on special salary rates, and authorizes the inclusion of a physician assistant to consult on the utilization and employment of physician assistants in VA medical centers.

Moreover, it is critical that our VA medical facility infrastructure is safe and meets the needs of our veterans. Therefore, I welcome the authorization in this bill for the construction of major medical facility projects across the nation.

In order to better serve our veterans, this bill also requires the Secretary of Veterans Affairs to ensure that a protocol is used in any clinical evaluation of a patient to identify pertinent military experiences and exposures that may contribute to the health status of the patient and ensures that information relating to the military history of patients are included in their medical records.

Most importantly, I commend the authors of this bill for developing a pilot program to allow Medicare-eligible veterans to receive care at non-VA facilities if they do not have easy access to VA hospitals. Accessibility of care is essential to truly meet our nation's healthcare commitments to our veterans. This carefully

tailored demonstration project ensures that care is made more easily available in remote locations, while recognizing that primary VA health care facilities and services should in no way be comprised.

Overall, this bill should provide added improvement in health care services and benefits to our veterans. With H.R. 5109, we are providing important changes and modifications to the VA health care system, in order to continually maintain and upgrade the provision of services and benefits to our veterans.

Our veterans have always answered the call to duty. Consequently, America must always work to match this dedication by fulfilling our commitments to these men and women who have worn the uniform. I therefore strongly support this legislation, and I am proud that my colleagues joined in unanimously passing this bill.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES NATIONAL HISTORICALLY BLACK AND UNIVERSITY WEEK LANE COLLEGE

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 22, 2000

Mr. TANNER. Mr. Speaker, I rise tonight to acknowledge the tremendous contributions and individual success stories that have helped our communities grow out of the presence of Lane College in Jackson, Tennessee, the heart of the Eighth Congressional District.

Lane College is one of six Historically Black Universities and Colleges located in Tennessee that have helped set a standard for academic excellence.

Lane was founded in 1882 as the C.M.E. High School by the Colored Methodist Episcopal Church of America. But the seeds for this great institution were first planted four years earlier in 1878.

William Miles, the first Bishop of the C.M.E. Church of America presided over the Tennessee Annual Conference in 1878 accepted a resolution by the Rev. J.A. Daniels to establish a school.

Two years later, after the great yellow fever epidemic and the ascension of Bishop Isaac Lane to the head of the Tennessee Annual Conference, four acres of land were purchased for $240 and in 1882 the school's doors were opened.

Bishop Lane's daughter, Miss Jennie Lane, was its first teacher.

In 1884 its name was changed to Lane Institute. Then, 12 years later a college department was organized and the Board of Trustees changed the school's name to Lane College.

Lane College is a small, private, co-educational, church-related institution with a liberal arts curriculum offering degrees in the Arts and Sciences.

Led by Dr. Wesley McClure, the College's ninth president, the school continues to play a critical role in Jackson and surrounding communities as an institution committed to academic excellence.

Lane College is one of 120 historically black universities and colleges located in 23 states across the nation. Lane is one of six located in Tennessee and the other five are Fisk University, Knoxville College, Meharry Medical College, Lemoyne-Owen College, and Tennessee State University.

In 1997, 28 percent of African Americans who received a bachelors degree earned them from historically black universities and colleges.

Moreover, about 40 percent of African American undergraduates enrolled at historically black universities and colleges in 1996 were first-generation college students.

Over its first 118 years, Lane College has ensured its place in the community of academic institutions devoted to the growth and achievement of our young people.

So Mr. Speaker, we are quite certain it will build on that vision of community leadership and academic excellence well into the 21st Century.

Thank you for setting aside this time tonight so that we may recognize the important role historically black universities and colleges play in our country.

CENTRAL NEW JERSEY CELEBRATES THE 55TH ANNIVERSARY OF FREEHOLD VFW POST #4374

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 22, 2000

Mr. HOLT. Mr. Speaker, I rise today in recognition of the 55th Anniversary of Freehold VFW Post #4374. This organization has made lasting contributions through hard work and dedication to those in need.

The VFW is a patriotic organization devoted to serving the widows and orphans of the Veteran. The VFW promotes the institutions of freedom and democracy, to preserve and defend the constitution of the United States of America. The Veterans of Foreign Wars was formed after World War One and continues to maintain a strong presence today.

Freehold's VFW Post #4374 first opened its doors in 1945 under the watchful eye of its first elected Commander, Francis Vanderveer. Commander Vanderveer lead Post #4374 until 1947.

The VFW Post #4347 first held its gatherings for Freehold area veterans in a meeting hall space borrowed from the Knights of Columbus. Then, in the 1960's, construction began on the present Post Home on Waterworks Road, where they continue to serve the community.

Since its inception, Post #4347 members have canvassed the Freehold area for needy families during the holiday season. Last December, like many before it, they held a Christmas party for nearly 100 needy kids, kids who otherwise would have no holiday celebration.

As extraordinary as this effort was, it was just one of many times that VFW Post #4347 has worked on behalf of those in need. Throughout the years, VFW Post #4347 has gone the extra mile to take care of not only our veterans, but also our community.

Freehold VFW Post #4347 is a great asset to both Central New Jersey and our nation. I urge all my colleagues to join me today in recognizing its dedication to our veterans, community service and Central New Jersey.

ON THE INTRODUCTION OF A RESOLUTION CALLING ON THE U.S. FOREST SERVICE TO IMPLEMENT A NATIONWIDE COHESIVE FUELS REDUCTION STRATEGY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 22, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to introduce a resolution. I do it on behalf of all the people who live near our National Forests and want to see a change in the way they are managed.

As of today, over six and half million acres have burned in the West. That's an area larger than the entire state of Maryland.

This is catastrophic fire—not the beneficial natural kind—but the catastrophic. It feeds on brush and trees. It climbs up the ladder of fuels into the crowns of the largest old-growth trees, burning everything. It kills a forest completely and sterilized the ground.

Besides the threat to people, these fires kill animals; destroy habitat; release huge amounts of air pollution; and leave barren dead zones. After the fires are extinguished, the exposed soil and debris washes into streams, polluting water and killing fish.

On Tuesday, a state of emergency was declared in one of the counties I represent. Tulare County, California, is now preparing for the massive erosion and mudslides that will come from the area of the Manter Fire. That fire burned 75,000 acres just east of the new Sequoia National Monument. It killed nearly every tree.

The Administration blames it all on Smokey the Bear. They say the problem is the 100-year-old policy of suppressing forest fires. But that's only half of the problem.

In this weekend's radio address, President Clinton blamed ''extreme weather and lightning'' that sparked too many fires this summer.

The Assistant Secretary for Land at the Department of Interior, Sylvia Baca, said that, ''Nobody could have predicted the deadly combination of drought, wind and lighting in the West this year.''

But that kind of backward logic ignores the fact that we did know about the accumulation of fuel. We know about the millions of acres of dying forest.

We knew there would be a dry spell in the West.

We knew that a deadly fire season would occur.

Last April, the General Accounting Office reported to Congress that over 39 million acres of our national forests were at high risk of catastrophic fire. Another 26 million acres were reported at risk due to disease and insect infestation.

Experts have tagged the overaccumulation of brush and trees as the biggest threat facing the western environment.

Let me say that again—The biggest threat to the western environment.

Now that biggest threat has become a tragic reality.

What has the Forest Service done about it? The answer, Mr. Speaker, is not much. The only real, aggressive strategy of this Administration has been one of deliberate neglect.

We have before us a roadless policy that will close fifty million acres of forest lands.

We have a Sierra Nevada Framework that will restrict access to over 11 million acres of California forest.

We have the Interior Columbia Basin Ecosystem Plan (ICBEMP) that would limit the use of 60 million acres in the northwest.

Add to that 2 million acres of new national monuments created just this year.

All of these proposals and changes are policies that conflict with, rather than complement, a cohesive national fire strategy.

Mr. Speaker, this year we will spend close to a billion dollars fighting catastrophic fires in the West. A lot of that will be emergency money tacked on top of the budget. Then next year, we will spend hundreds of millions more restoring some of these areas to avoid mudslides and erosion. It doesn't have to be this way.

The bipartisan resolution I am introducing today, with original cosponsors from the East, the South and the West, calls on the U.S. Forest Service and other land management agencies to create a cohesive fuels strategy.

This resolution is identical to the bill that recently passed the California State Assembly. It has strong bipartisan cosponsorship and passed on a unanimous vote.

Similar legislation has been adopted by the State Legislatures in Colorado, Idaho and Arizona, also with bipartisan support.

Our States are calling out for help. Federal forest lands need better care. Specifically:

1. We need a strategy to reduce accumulated fuels. Dense brush cannot be burned with prescribed fire until the small trees are removed mechanically. A fuels reduction strategy will include both of these important tools.

2. We need a strategy to remove diseased trees. Insects and pathogens infect 26 million acres of federal trees and they threaten state and private forests nearby. These trees can be removed and used in order to improve the overall health of the forest.

3. And we need to include states, locals and private business in the effort. A collaborative approach will ensure that important local variations are included in the plans.

Mr. Speaker, the Forest Service is being pulled in so many directions that their mission seems unclear. I want this Congress to give them some leadership. The priority should be fuels reduction and forest health. These are the highest priority the U.S. Congress has for forest management.

This resolution says clearly that we want such a strategy incorporated into new regulatory proposals and that we want locals involved.

This summer, we have witnessed a real tragedy as millions of acres burned. But keep in mind that over 57 million acres are still at high risk. Not even ten percent of the total has burned this year.

There is still time to create a strategy and to save what's left. We need to protect the Western environment and to protect the people who live there.

HONORING U.S. ATTORNEYS AND INTERNET SERVICE PROVIDERS FROM THE 9TH DISTRICT OF TEXAS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 22, 2000

Mr. LAMPSON. Mr. Speaker, today I would like to commend a team of law enforcement professionals, U.S. attorneys, and Internet service providers who worked together in recent weeks in federally charging a health teacher and trainer in my district of possessing and receiving child pornography.

An investigation by the Federal Bureau of Investigation found that he was using his home computer to download child pornography from the Internet. Authorities became aware of this man's activities through Operation Innocent Images, a partnership between U.S. Customs and the FBI that is responsible fro tracking pedophiles on the Internet. The FBI has the ability to monitor certain activity over the Internet that they believe deals with child pornography or the sexual exploitation of children. In doing this, they have set up a number of operations around the country to monitor activities in a cooperative effort with local law enforcement agencies and all Internet Service Providers (ISP). ISP's help to monitor Internet activity and furnish investigative leads if they believe that a person is inappropriately using the Internet.

I'd also like to commend U.S. Attorney Mike Bradford, who succinctly stated, ''Those offenders who possess and distribute child pornography perpetuate the exploitation of children depicted in the pornographic images. Those who use the Internet to acquire or exchange child pornography commit serious crimes and will be prosecuted when caught. The message we want to convey is an absolute intolerance of child exploitation.''